FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers' Home Administration, Department of Agriculture

Subchapter J—Miscellaneous Farm Assistance

PART 391—WATER FACILITIES LOANS

AUTHORITIES, POLICIES, AND ROUTINES FOR MAKING WATER FACILITIES LOANS

Section 391.1, "General" in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Supp. 1946, Chapter III, Subchapter J, as amended by 12 F R. 441), is revoked, and §§ 391.1, 391.2, 391.4, and 391.6 are added as follows:

§ 391.1 *Loan approval authority*—(a) *Authorization to State Directors.* (1) State Directors are authorized to close Water Facilities loans which were approved or conditionally approved by either the Administrator or the Regional Director of the Farm Security Administration, subject to all of the conditions contained in loan approval letters and documents issued by either or both of such officials.

(2) Loans in excess of the amounts and authority specified in this paragraph will be submitted to the Administrator for approval.

(3) Subject to applicable policies, State Directors are authorized hereby to approve Water Facilities loans subject to the following limitations:

(i) No Water Facilities loan, initial or subsequent, will be approved which will result in a total outstanding Water Facilities indebtedness of any one individual in excess of $5,000.

(ii) No Water Facilities loan, initial or subsequent, will be approved which will result in a total outstanding Water Facilities indebtedness of any one incorporated mutual water company, water association, or irrigation district, in excess of $12,000.

(iii) The aggregate of loans made to all individuals in connection with any one water facilities group service will not exceed $12,000.

(b) *Authorization to State Directors to redelegate loan approval authority.* (1) State Directors are authorized to redelegate to State Field Representatives all or any part of their authority to approve Water Facilities loans, except that State Field Representatives may not be authorized to approve:

(i) Loans to water associations, mutual irrigation companies, or irrigation districts.

(ii) Loans for irrigation purposes.

(iii) Loans to establish a water facilities group service.

(2) State Directors are authorized to redelegate to County Supervisors, in charge of County Offices, all or any part of their authority to approve Water Facilities loans to individuals, except that County Supervisors may not be authorized to approve:

(i) Loans for irrigation purposes.

(ii) Any loan, initial or subsequent, which will result in a total outstanding Water Facilities indebtedness in excess of $1,000.

(iii) Loans to establish a water facilities group service.

(c) *Redelegating authorities.* Insofar as feasible, and subject to the limitations herein, Water Facilities loans will be approved in the field by either State Field Representatives or County Supervisors. State Directors will redelegate loan approval to such officials and provide necessary instructions with respect to the exercise thereof. Each State Director will determine the maximum Water Facilities loan approval authority to be redelegated to each position (State Field Representative and County Supervisor) for the State as a whole and will issue State instructions redelegating such authority on a position basis.

(1) State Directors may limit or restrict the exercise of redelegated Water Facilities loan approval authority to certain State Field Representatives by means of individual "policy letters." State Field Representatives, with the concurrence of the State Director, may limit or restrict the exercise of redelegated Water Facilities loan approval authority to certain County Supervisors under their respective jurisdictions by means of individual "policy letters."

(2) Restrictions and limitations on the exercise of redelegated loan approval authority will be used whenever needed to assist in the development and maintenance of a sound Water Facilities program. In redelegating Water Facilities loan approval authority and issuing "policy letters," State Directors and State Field Representatives must satisfy themselves that the delegates under their immediate supervision are capable

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] Bureau of Land Management Misc. 1722.

CODIFICATION GUIDE—Con.

of exercising such authority satisfactorily. Through careful analyses and observations in the field, State Directors and State Field Representatives must determine that such authority is being exercised on a sound and effective basis.

§ 391.2 *Policies*—(a) *General.* This section sets forth the basic policies for extending technical and financial assistance to (1) individual farmers and, (2) incorporated mutual water companies, water users associations and irrigation districts, (hereinafter referred to as "associations") in the arid and semiarid areas of the United States for farmstead and irrigation Water Facilities

under the Water Facilities Program administered pursuant to Public Law 399, 75th Congress (50 Stat. 869) as amended, hereinafter referred to as the Water Facilities Act. As used herein, the arid and semiarid areas of the United States include the 17 Western States; namely, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

(b) *Basic objective.* The objective of the act is to provide facilities for water storage and utilization in the arid and semiarid areas of the United States to alleviate wastage and inadequate utilization of water resources on farm, grazing, and forest lands, thereby contributing to the preservation of natural resources; to the protection of the public health and public lands; and to the prevention of droughts, periodic floods, crop failures, decline in standards of living, and excessive dependence on public relief.

(c) *Area planning.*—(1) *Previously approved areas.* All areas previously approved for water facilities operations by the Water Facilities Board and by the Farm Security Administration are adopted as approved areas by the Farmers Home Administration subject to the same limitations covering ground water development contained in the existing authorizations.

(2) *Requirements for area plans.* Approved area plans will be required when applicants residing outside presently approved areas request assistance in the development of ground water for irrigation, either by pumping or artesian flow, beyond the amount which is used under established water rights or water use before assistance is rendered to such applicants.

(d) *Types of assistance provided.* The following general types of assistance are available under the Water Facilities Program:

(1) *Loans.* Water Facilities loans may be made for the purpose of construction, repair, rehabilitation, reinstatement, or enlargement of water facilities (i) to individual farmers for such facilities on their farm units, or to enable them to obtain the benefits from a water system owned and operated by a Water Facilities group service or by an association, and (ii) to associations incorporated for similar purposes.

(2) *Technical assistance.*—(i) *With loans.* Technical assistance will be furnished to individuals and associations receiving loans under this program. Such assistance will include the planning of the facility to be installed, advice and guidance about planning and carrying out farm and home operations, as well as the technical supervision in the installation and operation of the facility.

(ii) *Without loans.* When eligible applicants make application for technical assistance only and cannot obtain such assistance from public or private sources it may be furnished if personnel can be made available. Technical assistance without loans may include the same types of assistance as are furnished in connection with loans, except that in such cases it may not include actual supervision of the installation and operation of the facility.

(iii) *Government responsibility.* The County Supervisor must inform applicants and others who furnish labor, supplies, and equipment to applicants, that the Government will not be responsible for or guarantee the successful installation and operation of the facility.

(e) *Purposes for which Water Facilities loans and assistance may be extended:* Water Facilities loans and assistance may be extended for any of the following items which will accomplish the purposes of the act:

(1) The construction, repair, rehabilitation, reinstatement, or enlargement of farmstead facilities and irrigation facilities which will include such items and appurtenances thereto as reservoirs, storage and diversion dams, ponds, wells, cisterns, pipelines, storage tanks, stock water tanks, spring development, and pumping installations including windmills and other kinds of power plants, distribution systems, and the acquisition of real estate or interests therein necessary for sites or rights-of-way upon which a facility will be located. Loans may not be made for plumbing and plumbing fixtures within farm buildings or for power plants to generate electricity.

(2) The acquisition of a source of water supply, including (i) the purchase of water stock or memberships in an association: *Provided,* The organizational, financial, and water right situations of such association are sound; (ii) the acquisition of a right through appropriation or purchase of a water supply; or (iii) the acquisition of land in cases where it is not possible to acquire and transfer appurtenant water rights apart from the land: *Provided,* That the value of the land acquired without the water right is an incidental part of the purchase price of the water right.

(3) The purchase of stock or memberships in or the payment of assessments to an association which will enable such association to finance water facilities for which loan funds may be used, *Provided:*

(i) The organization and financial structure of the association or company is sound; and

(ii) The water facilities plans for the contemplated facility and the water right situation are approved by the Farmers Home Administration.

(4) The hiring of or contracting for labor and equipment for land leveling which is necessary to make efficient use of irrigation water on land owned by the applicant.

(5) The refinancing of an existing indebtedness secured by a facility with respect to which a loan is being made for repair, rehabilitation, reinstatement, or enlargement, *Provided:*

(i) Such refinancing is necessary for the successful operation of the facility;

(ii) Arrangements cannot be made with the present creditor to extend or modify the terms of the security instruments to enable the facility to be operated successfully;

(iii) The refinancing is for the payment of a debt incurred in the construction or repair of the existing facility and not for the refinancing of farm real estate indebtedness; and

(iv) The amount to be used for refinancing does not exceed 50% of the total Water Facilities loan funds being advanced.

(6) The purchase of equipment needed by an association or a Water Facilities group service for construction or maintenance of a farmstead or irrigation water system, if:

(i) Equipment purchased for use in construction (*a*) is not otherwise available at reasonable cost or the cost of the project will be materially lower as the result of such purchase, and (*b*) can be used effectively in maintenance work after the project is complete or will be sold and the funds used for other planned costs of the project or returned as payment on the loan.

(ii) Equipment purchased for maintenance only can be used effectively and economically throughout its useful life on the water system operated by the group.

(7) The hiring of or contracting for personal services such as engineers, attorneys, auditors, construction foremen and laborers needed for the planning, organization, construction or repair of the facility with respect to which a loan is made.

(f) *Loan terms.*—(1) *Interest rate.* Water Facilities loans will bear interest at the rate of three percent (3%) per annum on the unpaid principal balance. Interest will begin as of the date of the loan check for all loans.

(2) *Repayments.* Water Facilities loans will be scheduled for repayment annually in as short a time as possible in accordance with the ability of the borrower to repay. However, the loan repayment schedule will not exceed the useful life of the facility or twenty years, whichever is the lesser, except in meritorious and exceptional cases, with the prior approval of the Administrator, loans to associations may be scheduled for repayment over the useful life of the facility but not to exceed forty years. The first principal repayment may be deferred for a period of not to exceed one full year from the date the facility is placed in operation when it has been determined that income without the use of the facility will be insufficient to make such payments.

(3) *Farmer contributions.* Individuals and associations, including the members thereof, will be expected to contribute to the cost of any facility to the extent practicable by furnishing such items as funds, labor, materials, and equipment.

(4) *Voluntary services for making surveys and plans.* (i) Individual applicants may be requested to assist personally and gratuitously in the conduct of preliminary surveys and planning operations in connection with the proposed facility. Farmers Home Administration personnel are authorized to request such assistance, *Provided:*

(*a*) The person furnishing the assistance acknowledges in writing that he will provide the assistance gratuitously;

(*b*) Any such request for assistance is limited to such labor and other forms of

aid as can be rendered personally by the individual involved; and

(c) Gratuitous assistance from other artisans or laborers will neither be requested nor accepted.

(ii) Association applicants may utilize the compensated or uncompensated services of members or stockholders or other artisans or laborers in the part of the survey and planning undertaken by the association as its contribution to the planning and construction of the facility. However, if such services are requested by Farmers Home Administration personnel, the provisions of subparagraph (4) (i) of this paragraph shall apply to the association and the individual rendering the service.

(5) *Caution.* Failure to obtain written acknowledgment, from persons requested to perform gratuitous personal assistance, may subject the official requesting such assistance to financial and penal liability and might result in a claim against the Government for assistance performed or injuries received, the payment of which is not authorized.

(g) *Limit on the use of Water Facilities Funds.* Not more than $50,000 of Federal funds may be expended for the construction, repair, enlargement, and maintenance or financial assistance to any one project.

(h) *Eligibility requirements for Water Facilities loans.* The benefits of the Water Facilities Program will be extended to individuals or to groups of individuals (including associations) whose lands are in use for agricultural purposes, including grazing, or whose lands will be placed in such use as a result of the installation of a proposed water facility.

(1) *Individuals.* An individual is eligible to receive a Water Facilities loan for authorized purposes, *Provided.*

(i) The individual is a farm owner or farm tenant whose lands are in need of water facilities to promote sound operations.

(ii) The individual cannot obtain credit for the purpose of the loan on reasonable terms and conditions and in sufficient amount from commercial banks, cooperative lending agencies, or from any other responsible source available in or near the community in which he resides.

(iii) The individual owns or operates a farm unit of a size not substantially in excess of that regarded as a family-type farm unit for the area in which he is situated.

(2) *Associations.* A non-profit association having all corporate powers necessary to the borrowing and repayment of the loan and the operation of the water facility financed with the loan is eligible to receive a Water Facilities loan for authorized purposes, *Provided:*

(i) The owners or tenants, operating farm units of a size not substantially in excess of those regarded as family-type farms for the area in which they are situated, will use the major portion of the water to be made available by the facility.

(ii) The association does not have sufficient funds to carry out the objectives for which the loan is sought and cannot obtain such funds by levying special assessments or charges on its members, or from commercial banks, cooperative lending agencies, or from any other responsible source normally serving the area on reasonable terms and conditions.

(3) *Unincorporated water associations.* An unincorporated water association is not eligible to receive a Water Facilities loan. However, Water Facilities loans may be made to individuals to participate in an unincorporated water association or water facilities group service approved by the Farmers Home Administration.

(4) *Certification by applicant.* Each applicant for a Water Facilities loan, individual or association, must certify, before a loan is approved, that he is unable to obtain credit on reasonable terms and conditions and in sufficient amount, from commercial banks, cooperative lending agencies, or from any other responsible source available in or near the community in which he resides, to carry out the objectives for which the Water Facilities loan is sought.

(5) *Certification by County Committee.* No Water Facilities loan, initial or subsequent, may be made unless the County Committee certifies in writing that the applicant is eligible to receive a Water Facilities loan under the appropriate requirements of subparagraphs (1) and (2) of this paragraph.

(6) *Administrative determination.* All certifications by County Committees that applicants are eligible to receive Water Facilities loans are subject to administrative review and final determination. The loan approval officer is directed to determine whether an applicant certified by the County Committee is eligible to receive a Water Facilities loan. In making such determination, the loan approval officer will take into consideration the certifications of the applicant and of the County Committee, and other pertinent information. Generally, the applicant will not be required to submit a written notice of rejection for credit from other available credit sources. However, the County Committee or loan approval officer should state what attempts have been made to secure other credit and may require such a written notice of rejection in doubtful cases.

(i) *Planning requirements.* (1) Water Facilities Plans will be developed as a means of determining costs and feasibility of proposed water facilities to be constructed with loans and as a guide for subsequent installations of such facilities.

(2) Farm and Home Plans will be developed with each applicant for an individual loan as a basis for determining the soundness of the loan; as a guide to the family in carrying out farm and home operations consistent with the basic objectives of the Water Facilities Program; and in determining the applicant's debt paying ability.

(i) An annual farm and home plan will be developed, for the year in which the loan is made, with each applicant.

(ii) A long-time farm and home plan also will be developed with each applicant if the installation of the proposed facility will result in a major reorganization of the farm business.

(3) *Group plans*—(i) *Water Facilities group services.* At the time the initial assistance is rendered to a Water Facilities group service, an operating plan, and an operating budget will be developed with the group. Annually thereafter, until all loans have been repaid, the group will be required to summarize the operations for the past year and review and modify, if necessary, the operating plans and prepare a budget for the coming year's operations.

(ii) *Water Facilities associations.* A loan to an association will be based on a financial report consisting of a balance sheet and an operating statement showing the results of operations for the association's last fiscal year, and a budget showing estimated receipts and expenditures for the next fiscal year. Annually thereafter, the Board of Directors will summarize operations for the past year and submit to the Government for approval a financial report and a budget for the next year's operations.

(j) *Water right requirements.* Assistance will be extended under this program only to applicants who comply with all applicable state laws with respect to the appropriation and use of water. In the absence of state laws requiring filing, but where state rules and regulations do not prevent the filing of an application for, or a notice of appropriation of, a water right, such filing will be required for all loans for irrigation purposes and association loans for farmstead systems involving a new or additional appropriation or use of water.

(k) *Tenure.* (1) Credit under this program will be extended to individual applicants who (i) have reasonable assurance of the use of the land for a period sufficient to permit the repayment of the Water Facilities loan, and (ii) have tenure agreements which will provide for use of land on equitable terms and at a reasonable cost and permit the proper utilization of land and water.

(2) When a loan is made to a tenant, the landlord will be required to compensate the tenant for the improvement to the real estate. This may be accomplished through such methods as extended tenure, reductions in rent, repayment of residual value, removal of the facility, or other equitable adjustments in tenure.

(l) *Security requirements.* All Water Facilities loans will be secured in such a manner which will protect adequately the Government's financial interest. The following policies will govern the securing of Water Facilities loans:

(1) *Loans to individuals.* (i) A first lien will be taken, whenever possible, upon the real estate owned by the applicant. A second lien on real estate will be taken only when the borrower's equity in the real estate with the facility installed is such that the lien will have substantial value as security.

(ii) A first lien will be taken on all mortgageable property, other than easements and rights-of-way, purchased with the loan.

(iii) A mortgage will be taken on the applicant's interests in rights-of-way

and easements owned or acquired for use in connection with a proposed facility.

(iv) First liens may be taken on selected items of livestock and farm equipment when the applicant will not be prevented from obtaining needed operating credit from outside sources.

(v) Assignments on income may be taken as security.

(vi) Liens on crops will be taken only when other types of security are not available.

(vii) Pledges or assignments of water stock purchased with loans will be taken.

(2) *Loans to associations.* (i) First liens will be taken on real and personal property, exclusive of easements, rights-of-way, and water rights, owned by the applicant at the time the loan is approved subject only to the outstanding liens for debts not being refinanced by the loan.

(ii) First liens will be taken on real and personal property, exclusive of easements, rights-of-way, and water rights, acquired with loan funds.

(iii) A mortgage lien will be taken on the interest of the applicant in all easements, rights-of-way, and water rights used in connection with the facility.

(iv) Assignments on association income may be taken as additional security.

(m) *Insurance.* (1) Insurance will be required on mortgageable property (except windmills and their towers) purchased with the loan and, when real estate is taken as security, on farm buildings essential in farming operations. The insurance will cover losses, destruction, and damage from the hazards, customarily covered in the area, such as fire, lightning, and windstorm.

(2) Borrowers will be required to obtain and pay for an amount of insurance equal to the replacement value of the property to be insured or the amount of the water facilities indebtedness, whichever is less.

(n) *Subsequent loans.* Subsequent Water Facilities loans may be made under the same policies, requirements, and procedures as for initial loans where one or more of the following situations exist:

(1) A need for additional credit in connection with the facility exists because of a catastrophe, such as storm, flood, earthquake, failure of water supplies, and so forth.

(2) An expansion or corrective action is needed in connection with the facility which could not be foreseen at the time the initial loan was made.

(3) To complete a facility begun with the initial loan where increased costs which cannot be absorbed by the applicant make the subsequent loan necessary for the protection of the investment of the Government.

§ 391.4 *Processing loans to individuals*—(a) *Water Facility loan forms and routines*—(1) *Farm FHA–197, "Application for FHA Services."* Each individual applying for initial or subsequent Water Facilities loans or technical assistance only will fill out, execute and file with the County Office, Form FHA–197, "Applications for FHA Services," in an original only. The type of water facilities needed by the applicant will be described in Item 21 of Form FHA–197.

(i) The following statement will be typed on the back of the form in the space provided for comments, and signed by the applicant:

Upon request, I will personally assist, without charge to, credit from, or other obligation on the part of the Government, in the conduct of any survey or planning operation directed by the Farmers Home Administration incident to this application.

(ii) Upon favorable certification by the County Committee, the County Supervisor will prepare a copy of Form FHA–197 for all applicants requesting loans or technical assistance in the planning of irrigation or individual farmstead facilities on which the assistance of the Water Facilities Specialist or Engineer is needed. This copy will be forwarded to the State Director as a request for such assistance and the following information will be entered on the reverse of the form or on a separate sheet attached thereto:

(*a*) The nature of the problems with which help is needed.

(*b*) Source of water supply, known points of diversion and what water rights have been or need to be acquired by the applicant, if any.

(*c*) Other pertinent facts such as when the applicant will be available for contacts, kind of materials and equipment likely to be used in the construction of the facility, and names of local contractors or dealers who would likely be interested in some phase of the construction.

(2) *Form FHA–121, "Certifications—Water Facilities Loans to Individuals."* Form FHA–121 will be prepared in an original only.

(i) Part I of Form FHA–121 will be executed by the applicant at the time the application is made.

(ii) Part II of Form FHA–121 will be executed by the County Committee as follows:

(*a*) When the applicant is determined to be eligible, by signing the "County Committee Certification."

(*b*) When the applicant is determined to be ineligible, by deleting the "County Committee Certification," indicating the reasons for such determination under "Comments," and signing in the space provided.

(3) *Farm and home plans.* (i) Form FHA–14, "Farm and Home Plan," will be prepared in an original and one copy. The original will be given to the applicant and the copy will be placed in the loan docket.

(ii) Form FHA–14C, "Long-Time Farm and Home Plan," when required by § 391.2, will be prepared in an original and one copy. The original will be retained by the borrower and the copy will be placed in the docket. The steps and practices to be followed in making the long-range changes in the farm operations resulting from the installation of the water facility and the methods of financing such changes will be recorded on Form FHA–14C.

(4) *Leases.* When the lease held by a tenant-applicant is not equitable and does not provide for reimbursement for real estate improvements made by the tenant, Form FHA–160, "Water Facilities Improvement Lease," or Form FHA–260, "Supplement to Lease," whichever is applicable, will be used. However, other lease forms containing similar provisions, if available, may be used.

(5) *The Water Facilities Plan.* A plan containing the items enumerated below will be prepared in an original and one copy; the original will be placed in the loan docket and a copy will be given to the applicant. The County Supervisor will prepare the water facilities plan for the simple farmstead facilities. The Water Facilities Engineer will prepare the water facilities plan for the installation of irrigation facilities and the more difficult farmstead facilities. The Water Facilities Engineer will obtain the approval of the appropriate State officials including State Health Department officials for all construction plans where such approval is required by State statute or regulation. The detail to be included in the water facilities plan will be governed by the complexity of the facility to be constructed. The water facilities plan will include:

(i) Form FHA–556, "Water Facilities Cost Estimate."

(ii) A statement on (*a*) the methods and plans proposed for constructing the water facility, (*b*) water supply availability, suitability and demand, (*c*) estimated useful life of facility, (*d*) contributions by the applicant and the assistance to be rendered by the Government in connection with construction, (*e*) date for starting construction, and (*f*) plans, including an estimate of costs, for important operation and maintenance features of the facility. When land leveling is involved, information also should be included on such items as depth of top soil; depth to hardpan, rock and gravel; prevalence of alkali; and in addition, instructions should be given for leveling various fields.

(iii) Exhibits such as maps, drawings and charts necessary to illustrate the proposed construction methods and plans. When the loan includes funds for land leveling, a map of the farm will be prepared showing the existing conditions such as irrigation and drainage facilities, field arrangement, and fences. Also this map, or another map if necessary, should show the proposed land leveling features including such items as topography, location and extent of cuts and fills, the location of irrigation and drainage ditches and structures, direction of irrigation flow, and field arrangements.

(6) *Supervisor's narrative.* When the loan will be approved outside of the County Office or will be referred to the Representative of the Office of the Solicitor, the County Supervisor will prepare a narrative in an original only containing information not covered elsewhere in the loan docket. Generally, the narrative will contain the following:

(i) Recommendations concerning security to be taken for the loan.

(ii) A statement indicating the applicant's interest in the real estate to be improved by the water facility. If the applicant's interest is less than full ownership, the supervisor will include

recommendations concerning any needed changes in the tenure instruments such as mortgages, purchase contract, or lease. If the real estate to be improved is mortgaged or otherwise encumbered, include the names of the parties, the terms and conditions of the encumbrances, and the balance due on the debt secured thereby. If the loan is to be secured by a real estate mortgage, the statement will be supported by such abstracts of title, deeds, outstanding real estate mortgages, easements, rights-of-way, leases, and purchase contracts as the applicant may have or may be able to procure without substantial costs or delay. (The applicant will be informed that additional proof of title to real estate may be required before the loan is closed.)

(iii) A statement concerning the applicant's title to water rights owned or to be acquired for use in connection with the facility. This statement will be supported by documents which the applicant may have or may be able to procure without substantial cost or delay, such as certificates of water filings, water permits, and abstracts of court decrees. (The applicant will be informed that additional proof of title to water rights may be required before the loan is closed.) However, when the State statutes or regulations do not require or permit water filings, permits, or other proof of appropriation or use of water as proposed in the water facilities plan, or when the loan is for participation in a group or association owned facility and water right information is shown in the group or association docket, such information need not be included in the narrative.

(7) *Form FHA–122, "Promissory Note."* This form will be prepared in an original and two copies. The original will accompany the loan docket, one copy will be retained in the County Office, and the other copy will be given to the applicant. Form FHA–122 will be dated as of the date of execution by the applicant. The location of the County Office will be entered in the space provided for designating the office to which the loan will be repaid. The note will be prepared for the full amount of the loan which will always be in multiples of $5. If a chattel mortgage will be taken as security for the loan and the lien created by the chattel mortgage cannot run or be extended without the consent of the borrower for the entire period of the loan, the installment due under the note for the year when the lien created by the chattel mortgage is to terminate must be the amount of the installment for that year, plus the total amount of all subsequent installments shown on Form FHA–258, "Agreement to Extend Repayment Period." The applicant's name should be typed under his signature. The original only will be executed by the applicant and his spouse, if any.

(8) *Form FHA–258, "Agreement to Extend Repayment Period."* This form will be used only for the loans to be secured by chattel liens which cannot run or be extended without the consent of the borrower for the period needed by the applicant for the repayment of the loan. In the states where it is necessary to use Form FHA–258, the State Director will issue State instructions to that effect. The form will be prepared in an original and one copy for the total amount of the loan as indicated in the promissory note. The original will accompany the loan docket, the copy will be given to the applicant. Form FHA–258 will be dated as of the date of execution by the applicant. The repayment schedule, as agreed upon with the applicant, will be entered in the appropriate spaces. The original only will be executed by the applicant and the copy will be conformed.

(9) *Form FHA–5, "Loan Voucher"* This form will be prepared in an original and two copies for the total amount of the loan as indicated in the promissory note. The original only will be signed by the applicant and all copies will accompany the loan docket. "WF" will be inserted opposite "Type of Loan" in the upper right corner. The names of the applicant and the loan approving official will be typed under their respective signatures. In the space marked "(Address) " under the name of the "(Payee-applicant) " show the address to which the check should be mailed as follows:

Care of _____ County Supervisor, Farmers Home Administration, U. S. Department of Agriculture _____.
(County Office Address)

(b) *Assembly of Loan Dockets for Review.* The following documents, after having been examined thoroughly to make sure that they are complete as to dates, signatures, and mechanical accuracy, will be assembled in the order named below for review by the loan approving official. If the applicant is indebted for other Farmers Home Administration loans and the Water Facilities loan is to be approved other than in the County Office, the loan submission will also include the County Office case file.

(1) Form FHA–197, "Application for FHA Services".

(2) Form FHA–121, "Certifications—Water Facilities Loans to Individuals".

(3) Form FHA–14, "Farm and Home Plan".

(4) Form FHA–14C "Long-Time Farm and Home Plan," when required;

(5) Narrative, including any supporting documents;

(6) Water Facilities Plan;

(7) Form FHA–122, "Promissory Note".

(8) Form FHA–258, "Agreement to Extend Repayment Period," when required; and

(9) Form FHA–5, "Loan Voucher."

(c) *Review and approval or rejection*—(1) *Administrative review.* The loan approving official is responsible for seeing that all pertinent laws and regulations are met before a loan is approved. This will require that he examine the docket to see that (i) the applicant and County Committee certifications have been made and are a part of the docket, (ii) the applicant is eligible, (iii) funds are being loaned for authorized purposes, and (iv) all other pertinent requirements are met.

(2) *Approval of loans.* (i) When no legal problems are involved, the loan approving official may approve the loan without a review by the Representative of the Office of the Solicitor. The loan approving official, when such official is other than the County Supervisor, will set forth in a memorandum of conditional approval any special conditions involving adjustments in farm and home operations, the water facilities plan, and the taking of security. The loan will then be approved by the execution of Form FHA–5.

(ii) When legal problems are involved, such as those pertaining to real estate security, water rights, easements, and title clearance, the loan approving official will approve the loan subject to legal review by the Representative of the Office of the Solicitor who will issue instructions covering the matters examined. The loan approving official will prepare a memorandum setting forth the conditions which must be met with reference to farm and home operations, the water facilities plan, and security to be taken.

(*a*) When a loan in excess of $1,000 is to be secured by a real estate mortgage, the applicant will be required to provide a policy of mortgagee's title insurance or an abstract of title continued down to the date the loan docket is submitted and later extended down to the date of recordation of the mortgage to the United States.

(*b*) When a loan of $1,000 or less is to be secured by a real estate mortgage, the applicant may furnish, in lieu of a mortgagee's policy of title insurance or an abstract, a lien search on Form FHA–87, "Report of Lien Search," prepared by an abstractor or practicing attorney. In instances where Form FHA–87 is furnished, it will show unpaid liens, taxes and judgments against the real estate. The requirement of a first lien in paragraph (1) of § 391.2 will be deemed to be satisfied if the mortgage or deed of trust is prior to any lien shown by an adequate lien search.

(c) When a mortgage will be taken on the applicant's interest in rights-of-way and easements, the applicant will submit such proof of title as he may already have or a lien search on Form FHA–87 prepared by an abstractor or practicing attorney.

(3) *Ordering the loan check.* After Form FHA–5 has been executed, the original and all copies together with the original of Form FHA–122 will be forwarded to the Area Finance Office.

(4) *Rejection of loan.* When a loan is rejected, the approving official will indicate the reasons for the rejection on Form FHA–197. If the approving official acts upon the loan outside of the County Office, he will return the loan submission to the County Supervisor. The County Supervisor will notify the applicant by letter of the rejection, including the reasons therefor, and will return the original of Form FHA–122 and other documents such as leases, abstracts, and other title documents to the applicant.

(d) *Loan closing*—(1) *Receipt of loan checks.* The County Supervisor will follow § 373.13 of this chapter with respect to receipting for and handling loan checks.

(2) *Meeting loan approval conditions.* (i) Upon approval of a loan the County

Supervisor will notify the applicant of the approval and of any special loan approval conditions which must be met before the loan can be closed. If no such conditions were made, the notification may be delayed until the loan check is received.

(ii) Before a loan can be closed, the applicant must comply with any special loan approval conditions which must be met by the time the loan is closed. In order to expedite the closing of the loan, such conditions will be met as rapidly as possible.

(3) *Closing the loan.* (i) When real estate, or interests in real estate, and water rights are to be taken as security for a loan, the loan will be closed in accordance with the closing instructions issued on a case basis by the Representative of the Office of the Solicitor. The original and the copy of the security instruments and other documents attached to the closing instructions will be used. (The Representative of the Office of the Solicitor for each state will draft a real estate mortgage form to be used in connection with Water Facilities loans in the state. The form must be approved in the National Office prior to use.) The original of the security instruments will be completed and executed by the applicant and his spouse, if any. The original will be recorded at the time of the closing of the loan. When the loan has been closed, the County Supervisor will forward to the State Director for referral to the Representative of the Office of the Solicitor, the instruments and other documents used in closing the loan, as well as a statement on how instructions not satisfied by such documents were met. Any necessary corrective action shown to be necessary by the Representative of the Office of the Solicitor must be completed. After the County Supervisor has been informed that the loan has been closed in a manner satisfactory to the Representative of the Office of the Solicitor, the original of the security instruments will be made a part of the County Office file and the copy will be delivered to the applicant.

(ii) When real estate or interests in real estate and water rights are not to be taken as security, the following actions will be taken by the County Supervisor in closing the loan:

(*a*) Form FHA–87 will be obtained at the time the loan is closed to determine that security requirements are being met. When a mortgage will be taken on property purchased with loan funds and such property will become affixed to real estate, a search of the real estate records will be made and Form FHA–87 will be prepared showing the present ownership of and the outstanding liens, including taxes and judgments, against the real estate to which the property is to be attached. The lien search report will be prepared in an original only by appropriate county officials, local abstractors, or attorneys; except that in unusual circumstances the County Supervisor may be authorized by the State Director to make lien searches and execute Form FHA–87 in accordance with § 373.13 of this chapter. Applicants will select the source through which such reports are obtained.

(*b*) Severance agreements will be obtained on Form FHA–259, "Severance Agreement," when a separate mortgage is to be taken on property purchased with loan funds and such property will become attached to real estate and in all cases of loans to tenants. Form FHA–259 will be prepared in an original only and will be executed by the County Supervisor on behalf of the Government, by the owner of the real estate, and by such other parties as shown on Form FHA–87 to have an interest in the real estate on which the facility will be installed. The legal description of the real estate on which the facility will be located will be entered on the severance agreement exactly as it will be described in the chattel mortgage. The severance agreement must be obtained not later than the date that the property purchased with loan funds is delivered on the farm. Where it is necessary to record Form FHA–259, the State Director will issue State instructions pertaining to such action. Form FHA–259 will be made a part of the County Office file.

(*c*) Form FHA–30. ____ "Crop and Chattel Mortgage," will be prepared in an original and one copy if it is to be recorded and two copies if it is to be filed. Only the notes evidencing the water facilities indebtedness will be described in the mortgage. The property to be mortgaged will be accurately and adequately described therein. Form FHA–30. ____ will be amended for use in connection with Water Facilities loans by striking out the covenant in the mortgage reading as follows: "If, at any time, it shall appear to the Mortgagee that the Mortgagor may be able to obtain a loan from a production credit association, Federal Land Bank, or other responsible cooperative or private credit source at rates (but not exceeding the rate of 5 percentum per annum), and terms for loans for similar periods of time and purposes prevailing in this area, the Mortgagor will, upon request of the Mortgagee, apply for and accept such loan in sufficient amount to repay the Mortgagee and to pay for any stock necessary to be purchased in the cooperative lending agency in connection with the loan." When a lien on crops is not to be taken as security for the loan, the form will be amended by the deletion of the provisions designed to create a crop lien. All such deletions will be initialed by the borrower before the form is executed. The chattel mortgage will be executed by the borrower and his spouse, if any. At the time the loan is closed or before any funds are withdrawn from the supervised bank account, a mortgage will be taken covering livestock, equipment, and crops selected to serve as security for the loan, as well as any property already on hand to be paid for with loan funds. Property which is subsequently purchased with loan funds will be mortgaged at the time such property is purchased. Lien instruments must be delivered to the recording office for recordation or filing, whichever is appropriate, as soon as such instruments are executed. The State Director, with the advice of the Representative of the Office of the Solicitor, will issue instructions with regard to legal requirements in connection with the execution, witnessing, certification, acknowledgment, and recordation or filing of lien instruments.

(iii) County Supervisors are authorized to execute, accept and file or record any legal instruments necessary to obtain or preserve security for loans, including mortgages and similar lien instruments (where the holder of a mortgage or other lien is required to execute the instrument) and affidavits, acknowledgments and other certifications (where the mortgagee must execute such a certification under state law) and to accept and file or record subordinations and nondisturbance agreements, assignments, and other documents necessary to the obtaining of security.

(4) *Obtaining insurance.* When insurance is required by the loan approving official, the borrower will apply for and pay the premium for the required amount of insurance at the time the loan is closed. Insurance may be obtained from a company licensed to do business in the state where the property is located. The insurance policy must contain (i) the standard mortgage clause (without contribution) printed in or attached to the policy, (ii) the mortgage clause (without contribution) which has been approved and made mandatory by the laws of the state, or (iii) Form FHA–878, "Insurance Mortgage Clause." However, in those jurisdictions where, under local laws or conditions, none of the mortgage clauses referred to above may be used, the clause mandatory in that locality may be used after approval by the National Office. The "United States of America" will be shown as "Mortgagee" in the mortgage clause or in the loss payable clause if no space is provided in the mortgage clause. All notices to the mortgagee will be sent to the State Office covering the territory in which the property is located. The original insurance policy will be kept in the County Office file.

(5) *Responsibility of County Supervisor.* The failure of the County Supervisor to comply with the requirements set forth herein, with respect to closing the loan may result in his personal accountability and financial liability.

(6) *Fees and costs.* Statutory fees for filing or recording mortgages or other legal instruments and other costs such as notary and lien search fees, abstracts and mortgagees' policies of title insurance incident to loan transactions will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by Farmers Home Administration personnel to be used to pay such fees or costs, Form FHA–385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed in an original and one copy.

§ 391.6 *Processing loans to associations*—(a) *General.* This section sets forth the requirements and procedures for the making of Water Facilities loans to incorporated water users associations, mutual water companies, and irrigation districts (hereinafter referred to as associations).

(b) *Preliminary request and investigation*—(1) *Letter of request.* Each

group applying for an association loan will make a preliminary request for assistance in the form of a letter. The letter should state the kind of assistance needed, give a description of the proposed facility, contain information about the source of water supply and the water rights owned or to be established, and give some indication of the amount of loan funds needed. If the group is already incorporated, the letter will be signed by the President. If the group is not yet incorporated, the members of the organizing committee will sign the letter. The County Supervisor will send a copy of the letter to the State Director.

(2) *Investigation of request.* The State Director will arrange for the Water Facilities Specialist or the Water Facilities Engineer, or both, to assist the County Supervisor to conduct a preliminary investigation of the association's request for assistance. This preliminary investigation will be made in sufficient detail to provide information on eligibility, to determine that the request for assistance is for authorized purposes under the Water Facilities program, and to determine generally that other requirements of the Water Facilities program can be met.

(i) *Obtaining assistance for surveys and planning operations.* When the Water Facilities Specialists and Engineers will need other persons to make up a survey party, the association will be requested to furnish such persons to help make the investigation and planning surveys.

(*a*) If such help cannot be obtained without cost, the association must arrange to raise the cash necessary to pay such costs not later than the date the persons' services are no longer needed in the survey party. In no event must the Government become obligated to pay such costs.

(*b*) If the members or prospective members of the association will help in investigation and planning surveys without cost, the engineer or specialist will require each individual who performs any such work to execute an agreement in the following form which will be filed in the County Office file.

COOPERATIVE AGREEMENT

I hereby agree, personally and gratuitously, to assist and otherwise cooperate, upon request, in the conduct of surveys and planning operations directed by the Farmers Home Administration in connection with assistance applied for under the Water Facilities program by _____, from which
(Name of Group)
I will benefit. I agree that the Government will not be obligated in any manner, to me or the above-named group, by this agreement or by the furnishing of assistance pursuant thereto.

_____
(Signature)

_____ _____
(Date) (Address)

(ii) *Eligibility certifications.* After preliminary cost estimates have been made by the engineer and it is determined that the proposed facility is feasible, the County Committee will make its certification as to the eligibility of the association to receive assistance.

(*a*) *Form of certification.* If the County Committee determines that the association is eligible for assistance, a certification in the form specified below will be typed in an original and two copies. The original will be executed and the copies will be conformed.

COUNTY COMMITTEE CERTIFICATION

We certify that the _____ is eligible to receive a Water Facilities loan; that credit sufficient in amount to carry out the objectives in the association's application is not available to it at reasonable terms and conditions from commercial banks, cooperative lending agencies, or from any other responsible source in the community in or near which the association operates; and that, in our opinion, the association will endeavor honestly to carry out the undertakings and obligations required of it.

Date _____ _____
Signature

_____
Signature

_____
Signature

(*b*) *Rejection by County Committee.* If the County Committee determines that the association is not eligible to receive assistance, the reasons therefor will be stated in a memorandum or letter signed by the Committee. The County Supervisor will notify the applicant.

(c) *Preparation of loan application—*(1) *Form FHA–28, "Loan Application By Water Association."* After cost estimates have been developed and the association has been determined eligible, the Water Facilities Specialist or the County Supervisor, or both, will assist the officers of the association with the preparation of Form FHA–28 and accompanying exhibits in an original and one copy. If National Office approval is required, an additional copy will be prepared. The original will be executed by the officers of the association authorized to sign documents required in obtaining the loan. The remaining copy or copies will be conformed.

(2) *Preparation of exhibits to accompany loan application.* The following subdivisions of this subparagraph contain instructions for the preparation of the exhibits to be submitted with Form FHA–28. The originals and copies of the exhibits will be attached to the original and copies of Form FHA–28 respectively.

(i) *Exhibit A. Resolution of Stockholders or Members.* If state statutes or the association's articles and by-laws require that the Board of Directors be authorized by the stockholders or members to apply for a loan and perform other acts in connection therewith, a resolution granting such authority must be adopted by the members or stockholders at a regular or special meeting. In order for the resolution to be valid, the meeting of the members in which the resolution is passed must be called and held pursuant to proper notice, and the voting must comply with the requirements of the bylaws of the association. The resolution must be recorded in the minutes of the meeting and the text will be substantially the same as that contained in Exhibit A of Form FHA–28. The Secretary of the association will certify to the adoption of the resolution by completing and executing the form of "Certificate" at the end of Exhibit A.

(ii) *Exhibit B: Resolution of Board of Directors.* The Board of Directors will pass a resolution, at a regular or special meeting, authorizing the President and Secretary of the association to obtain a loan for the association and to perform other required acts in connection therewith. In order for the resolution to be valid, the meeting of the Board of Directors in which the resolution is passed must be called and held pursuant to proper notice, and the voting must comply with the requirements of the by-laws of the association. The resolution must be recorded in the minutes of the Board of Directors' meeting and the text of the resolution will be the same as contained in Exhibit B of Form FHA–28. The Secretary of the association will certify as to the adoption of the resolution by completing and executing the "Certification" at the end of Exhibit B of Form FHA–28.

(iii) *Exhibit C: Articles of Incorporation.* The association will obtain at its own expense, from the Secretary of State or similar officials, a certified copy of its articles of incorporation, together with all amendments thereto, and also a statement from that official as to whether the corporation is in good standing. The County Supervisor will make the required number of copies of all documents received from the Secretary of State.

(iv) *Exhibit D: By-Laws.* The association will furnish to the County Supervisor the required number of certified copies of its by-laws and any amendments thereto.

(*a*) The Secretary of the Association will make the following certification concerning the by-laws:

CERTIFICATION

I, _____, Secretary of the _____, a Corporation existing under the laws of the State of _____, hereby certify that the attached is a true copy of the by-laws, together with all amendments thereto, as of the _____ day of _____, 19____, which have been duly adopted by the members of the _____ _____.

_____
Secretary

(*b*) If the association has been organized since the preliminary request for assistance was filed with the County Supervisor, certified copies of the minutes of all organization meetings will be attached as part of Exhibit D.

(v) *Exhibit E: Stock or Membership Certificates.* Sample copies or certified facsimiles of the Stock or Membership Certificate in use or to be used, will be furnished by the association. If the association has entered or will enter into stock or membership subscription agreements with its members or stockholders, sample copies of such agreements will also be furnished.

(vi) *Exhibit F: Financial Reports and Operating Budgets—*(*a*) *Financial reports.* The financial reports to be furnished by the association will consist of a balance sheet and an operating statement as of the close of the association's

last fiscal year. If the financial situation of the association has changed materially since the close of the last fiscal year, the association will furnish, in addition, a balance sheet and operating statement reflecting the business conditions and activities for the current fiscal year as of the close of business of the month preceding the preparation of the loan application. If the latest balance sheet shows accounts receivable or debts outstanding, appropriate schedules will be attached to the balance sheet as follows: (1) The accounts receivable schedule will show for each debtor the amount owed and the possibility of collection; (2) the liability accounts will show for each creditor the original date, amount, and terms of the obligation; unpaid principal; delinquent principal; unpaid accrued interest; purpose of the obligation; and the security pledged for the repayment of the obligation, if any. The financial reports may be submitted in the form in general use by the association. However, it is preferable that pages one and two of Exhibit F Form FHA–28 be used for this purpose when such reports are not already available. Financial reports submitted must be signed by the President and attested to by the Secretary.

(b) *Operating budgets.* The association will furnish a proposed operating budget showing anticipated income and expenditures for the first full year of operations following the estimated date that the facility will be completed. If the proposed budget shows any significant changes from the operating statement for the association's last fiscal year the budget must be supported by a written narrative explaining such changes. The proposed operating budget will be prepared on page 3 of Exhibit F of Form FHA–28 and will be signed by the President and attested to by the Secretary.

(vii) *Exhibit G. List of Association Officers.* The Secretary will furnish a certificate showing the names, titles, and places of residence of the association's officers on Exhibit G of Form FHA–23.

(viii) *Exhibit H. List of Members, Stockholders, or Patrons.* The Secretary will furnish a certificate showing all of the names of the members or stockholders and patrons of the association on Exhibit H, Form FHA–28. The number of shares of stock owned by each stockholder will also be shown. Each name appearing on the certificate must be shown exactly as it is recorded in the membership or stockholder record of the association.

(ix) *Exhibit I. Water Facilities Plan.* The Water Facilities Engineer will prepare a water facilities plan consisting of a narrative, preliminary maps and designs, and an estimate of costs. An extra copy of the water facilities plan will be prepared for use by the engineer in preparing final plans, specifications, and contract documents.

(a) *Narrative.* The following will be included in the narrative:

(1) A statement concerning the location and accessibility of the facility.

(2) A description of the existing facilities, if any, showing their condition, adequacy and suitability for further use in connection with the proposed facility.

(3) A description of proposed facilities to be installed, repaired, replaced or extended; materials to be used; the main construction features; and the methods which will be used to overcome problems and difficulties encountered in design.

(4) A statement concerning the arrangements made to acquire the sites and rights-of-way necessary for the facility.

(5) A brief analysis showing whether the facility is practicable from an engineering standpoint; whether it will fulfill the needs for which it is to be constructed; and whether it will supply a sufficient quantity of water of suitable quality to meet proposed requirements and peak demands, as related to the needs to be served.

(6) An estimate of the useful life of the facility.

(7) A statement showing whether the association's contributions indicated on Form FHA–556, "Water Facilities Cost Estimate," can be furnished and used properly in the construction of the proposed facility.

(8) A statement as to whether the facility should be constructed by contract or force account.

(9) A statement containing any special recommendations for the operation and maintenance of the facility after it is constructed.

(b) *Preliminary maps and designs.* Such preliminary maps and plans will be prepared as are necessary to formulate a reliable cost estimate and to furnish graphical information which will illustrate the narrative. When real property or interests in real property will be acquired for sites and rights-of-way, the preliminary map will show the ownership and legal description of the real property to be acquired or crossed. Final detailed working drawings and technical specifications will not be prepared until it appears that the loan can be closed and construction undertaken.

(c) *Cost estimate.* An estimate of project cost will be prepared on Form FHA–556.

(x) *Exhibit J Reports on Association's Title to Assets.* This exhibit will consist of a statement showing the nature of the title to real property, including land, water rights, rights-of-way, easements, and permits, which the association has or proposes to acquire. This statement will be supported by such abstracts, easements, permits, court decrees, maps, and other documentary evidence which the association has or can readily secure without substantial cost or delay. The association will be informed that additional proof of title may be required as a condition of loan approval.

(d) *Farm data, summary and economic justification*—(1) *Form FHA–139, "Farm Data Work Sheet."* This form will be completed in an original only for each water user and placed in the State Office docket. The County Supervisor may assist the water users either in group meetings or on the farm to complete Form FHA–139, if necessary, to assure accuracy of date.

(2) *Exhibit A. Summary of Farm Data.* "Summary of Farm Data," will be prepared in an original and one copy if the loan can be approved by the State Director or two copies if National Office approval is required. The information contained in the summary will be tabulated on columnar paper or other large sheets as needed in the County Office. Information obtained from water users on Form FHA–139 will be summarized on the summary. Such information will be used by the County Supervisor in the preparation of the economic justification.

(3) *Economic justification.* The Economic Justification will be prepared in narrative form by the County Supervisor with the assistance of the Water Facilities Specialists in an original and one copy. If the loan requires approval in the National Office an additional copy will be prepared. Based on an analysis of the information tabulated on "Summary of Farm Data" and data from other sources, the economic justification will show:

(i) *Whether the loan is sound.* This should include information to show whether the annual assessments or charges to be made in accordance with the proposed operating budget can be met by the water users. The information should include comparison of the proposed assessments with the annual water assessments or charges customarily made by one or more other associations operating water systems of a similar nature under the same general agricultural conditions. The comparison will be reduced to some common unit such as per acre, per acre foot of water, per user, per 1,000 gallons of water used, or per month.

(ii) *How the use of the facility will accomplish the basic objectives of the Water Facilities program.* In making this showing, attention should be given to such items as important improvements in the organization of farm enterprises and farm businesses, improvements in the use of water and land resources, and improvements in live-at-home programs.

(e) *Assembly and review of loan application and supporting information*—(1) *Assembly of loan dockets.* The loan dockets will be assembled in an original and one copy. If National Office approval is required, an additional copy will be prepared. The original docket will be labeled "State Office." One copy will be labeled "County Office," and the third copy, if prepared, will be labeled "National Office."

(2) *Review by State Field Representative.* After the County Supervisor has assembled and checked the completeness and accuracy of the loan dockets, they will be submitted to the State Field Representative for review. The State Field Representative will check the soundness of the loan, the sufficiency of the proposed budget, and the adequacy of security offered for the loan, and make his recommendations in writing. The State Office docket and the National Office copy of the docket, if any, will be mailed to the State Director.

(3) *State office review and processing.* All loan applications submitted by associations will be reviewed by the Water Facilities Specialist and Water Facilities Engineer. Such applications will also be referred to the Representative of the Office of the Solicitor for preliminary review.

(i) *Action by the Water Facilities Specialist.* The Water Facilities Specialist will review such applications to determine whether or not they are complete and accurate as to content, arrangement, dates, and signatures. When an application is found to be complete the Water Facilities Specialist will:

(*a*) Prepare a report of his analysis on eligibility, economic justification, terms of loan repayment, and adequacy of security.

(*b*) Prepare a proposed letter to the County Supervisor containing the recommended loan approval conditions and an outline of the procedure to be followed in satisfying those conditions.

(*c*) Refer the application to the Water Facilities Engineer and the Representative of the Office of the Solicitor for review and recommendations.

(ii) *Action by the Water Facilities Engineer* The Water Facilities Engineer will review applications to determine whether or not the preliminary plans, maps, designs, cost estimates, and the proposed operating budgets are complete and accurate. When the application is found to be complete, the Water Facilities Engineer will prepare a report of his analysis on the physical feasibility of the project, the soundness of proposed construction features, the adequacy of cost estimates, and the adequacy of the proposed operating budgets. His report will also outline the engineering work to be completed as a condition to the closing of the loan.

(4) *Preliminary review by the Representative of the Office of the Solicitor*— (i) *Review and examination.* Association applications will be referred to the Representative of the Office of the Solicitor for a legal review and an examination of at least the following:

(*a*) Administrative "determinations," with respect to the eligibility of the applicant and the propriety of the use to which the loan proceeds will be put.

(*b*) The articles of incorporation with reference to (*1*) validity of organization, including compliance with statutory requirements as to form and content, term of existence, and so forth; (*2*) power to engage in the proposed activity and to borrow money and give the necessary security therefor; (*3*) assessability of stock; and (*4*) rights of stockholders and members.

(*c*) The by-laws with reference to (*1*) regularity of adoption; (*2*) power of Board of Directors to borrow money and to encumber corporate property as security therefor; (*3*) voting rights; (*4*) power of Board of Directors to levy assessments; (*5*) compliance with all applicable statutory provisions; and (*6*) operating plans for delivering water, making assessments or charges for service, and enforcing the payment of such assessments or charges through such devices as the sale of stock, and terminating of service.

(*d*) Resolutions authorizing the making of the loan.

(*e*) Stock or membership certificates and water contracts.

(*f*) Proposed letter of conditional approval.

(ii) *Preliminary memorandum.* After his examination, the Representative of the Office of the Solicitor will prepare a preliminary memorandum to the State Director setting forth his opinion of the sufficiency of the docket with respect to matters examined. A statement as to whether there appears to be any legal obstacle which would make the loan impossible should be included. The memorandum should list any additions or changes that should be made in the proposed letter of approval prepared by the War Facilities Specialist.

(5) *Submission of applications to National Office.* The State Director will forward a copy of the loan application to the National Office if approval in that office is required. In addition to the documents submitted by the County Supervisor, the National Office copy of the docket will include:

(i) A copy of the preliminary memorandum from the Representative of the Office of the Solicitor.

(ii) A copy of the report of the Water Facilities Specialist.

(iii) A copy of the report of the Water Facilities Engineer.

(f) *Action after loan approval*—(1) *State Office.* After the loan has been approved, the State Director will issue instructions to the County Supervisor for meeting loan approval conditions, prepare and send to the Supervisor instruments needed for carrying out loan approval conditions, obligate funds for the loan, and determine that loan approval conditions have been met.

(i) *Letter of conditional approval.* The State Office will prepare a letter of conditional approval based upon administrative determinations and other requirements of the Representative of the Office of the Solicitor. If the loan was approved in the National Office, an additional copy will be prepared. The original and one copy will be forwarded to the County Supervisor who will keep the original and give the copy to the applicant. One copy will be sent to the Representative of the Office of the Solicitor, and one copy will be placed in the State Office docket. The fourth copy, if prepared, will be held until all loan approval conditions have been met, after which it will be forwarded to the National Office. This letter will include at least the following:

(*a*) Loan approval conditions which must be met prior to loan closing and those which may be met after loan closing but which will be included in the loan agreement or mortgage.

(*b*) Instructions for satisfying conditions which must be met prior to the issuance of loan closing instructions.

(*c*) Instructions for obtaining and submitting required proof of title to security property.

(*d*) Instructions for completion and execution of loan documents such as the loan agreement, promissory note, voucher, and agreement to date note.

(ii) *Preparation of loan forms and other instruments.* The loan forms and other instruments needed by the County Supervisor and applicant in complying with the instructions contained in the State Director's letter of conditional approval will be prepared in the State Office and attached to the letter of conditional approval. The loan forms and instruments to be attached thereto will include at least the following:

(*a*) Form FHA–134, "Loan Agreement For Associations," will be prepared in an original and four copies (five copies if loan was approved in National Office) The original and the two copies will be forwarded to the County Supervisor for execution (including affixing the seal) by the association. All unsigned copies of Form FHA–134 will be conformed. When the State Director has executed Form FHA–134, the original and one conformed copy will be sent to the Area Finance Office, one signed copy will be kept in the State Office, and the other signed copy and one conformed copy will be sent to the County Supervisor who will deliver the signed copy to the association. The remaining conformed copy, if any, will be sent to the National Office.

(*b*) Form FHA–125, "Promissory Note (Associations) " is the form of promissory note to be used for loans to incorporated water associations. Form FHA–125 will be prepared in an original and three copies (four copies if the loan was approved in the National Office) The amount of the note will always be in multiples of $5. The location of the County Office will be entered in the space provided for designating the place to which the loan will be repaid. The original of the note will be forwarded to the County Supervisor for execution (including affixing the seal) All copies of the note will be conformed when the original is returned by the County Supervisor. The original will be forwarded to the Area Finance Office at the time the loan check is requested. A copy will be kept in the State Office docket. When loan closing instructions are issued, two copies will be sent to the County Supervisor. The remaining copy, if any, will be sent to the National Office.

(*c*) Form FHA–127, "Authorization to Date Note," is the form to be executed by the properly authorized officers of the association to authorize the Area Finance Manager to date Form FHA–125. Form FHA–127 will be prepared in an original and three copies. The original will be sent to the County Supervisor for execution (including affixing the seal) by the association. When the original has been returned, all copies will be conformed. The original will be sent to the Area Finance Office with the note. A copy will be placed in the State Office loan docket, and two copies will be sent to the County Supervisor who will retain one for the County Office loan docket and deliver the other to the association.

(*d*) Form FHA–5, "Loan Voucher," will be prepared in an original and two copies. The symbol "WF" will be inserted opposite "Type of Loan" in the upper right corner. The name of the association will be typed on the voucher above the space provided for the signature of the "(Payee-Applicant) " The names of the officers and the loan approval officers will be typed under their respective signatures. In the space marked "(Address)" under the name of

the "(Payee-Applicant)" show the address to which the check should be mailed as follows:

Care of _____, County Supervisor, Farmers Home Administration, U. S. Department of Agriculture, _____.
(County Office Address)

The loan voucher will be sent to the County Supervisor for execution (including affixing the seal) by the association. When the loan check is ordered, the loan voucher will be sent to the Area Finance Office with the note.

(e) Other instruments: Such instruments as deeds and easements needed by the association in meeting loan approval conditions upon request of the association will be prepared by the Representative of the Office of the Solicitor in an original and the number of copies necessary for filing and recordation.

(iii) *Obligating loan funds.* Funds for loans to associations will be obligated on the basis of approved loan agreements and the funds will be available for the payment of a voucher for a period of two years after the close of the fiscal year in which the loan is approved. Such loan agreements must be executed by the officers of the association and the State Director or or before June 30 of the fiscal year in which the loan is approved. The State Director will, upon receiving from the County Supervisor Form FHA–134 executed by the association in an original and two copies, determine whether they have been properly completed and executed. He will execute the original and the two signed copies and forward the original and one conformed (not executed) copy to the Area Finance Office for establishing the obligation of funds.

(2) *County Office.* The County Supervisor will deliver the copy of the letter of conditional approval to the association for consideration. If the association determines it is able and willing to comply with all loan approval conditions, the County Supervisor, Water Facilities Specialist, and Water Facilities Engineer may assist the association in meeting the conditions. The association will execute the original and the first two copies of Form FHA–134. The original and the two signed copies will be returned immediately to the State Director. When all conditions have been met, the County Supervisor will return to the State Director;

(i) Form FHA–125, "Promissory Note (Associations)," executed original.

(ii) Form FHA–127, "Authorization to Date Note," executed.

(iii) Form FHA–5, "Loan Voucher," executed.

(iv) Required instruments such as deeds, easements, permits and water filings.

(v) Required title documents such as lien searches, and abstracts or preliminary title reports.

(vi) Other evidence to show proof of compliance.

(3) *Review of compliance with loan approval conditions.* The State Director will examine all loan papers, instruments, documents and other evidence submitted by the County Supervisor to ascertain whether all administrative conditions of loan approval were complied with. He will then transmit these materials to the Representative of the Office of the Solicitor for legal review. If the review discloses that curative work is needed, the State Director will make such a requirement which must be satisfied before the loan is closed.

(g) *Closing the loan*—(1) *State Office action.* When the State Director, upon the advice of the Representative of the Office of the Solicitor, has determined that all requirements to be met before the loan is closed have been completed, and the association has indicated that it is ready for the funds to be advanced, he will order the loan check and request the Representative of the Office of the Solicitor to prepare loan closing instructions and the security instruments and other documents needed to close the loan.

(i) *Issuing loan closing instructions.* The instructions will cover, but need not be limited to, the continuation of lien searches and abstracts, and the execution and the recording or filing of security instruments. Loan closing instructions will be prepared in an original and three copies. The original, together with at least the following attached, will be forwarded to the County Supervisor:

(a) Two conformed copies of Form FHA–125, "Promissory Note (Associations)"

(b) One conformed copy of Form FHA–127, "Authorization to Date Note."

(c) Security instruments and other documents (in sets of three) needed to close the loan.

(ii) *Ordering the loan check.* At the time the loan closing instructions are forwarded to the County Supervisor, the State Director will execute Form FHA–5 in the space designated for the signature of the approving official. The loan check will then be ordered by forwarding to the Area Finance Office:

(a) The original and all copies of Form FHA–5, "Loan Voucher."

(b) The original of Form FHA–125, "Promissory Note (Associations)"

(c) The original of Form FHA–127, "Authorization to Date Note."

(d) The original and a conformed copy of Form FHA–134 for those cases in which a loan agreement has not been sent to the Area Finance Office for obligating funds.

(2) *County Office action*—(i) *Receiving loan checks.* The County Supervisor will follow § 373.13 of this chapter with respect to receiving loan checks, handling undeliverable checks, and taking action when checks are lost.

(ii) *Delivery of loan check.* (a) Upon receipt of a loan check, the County Supervisor will notify the association promptly, indicating where and when the check will be delivered, and that the officers authorized to sign documents should be present.

(b) The delivery of the loan check will be governed by the loan closing instructions.

(c) The loan check will then be deposited in a supervised bank account.

(d) When the security instruments have been executed, the president of the association will receipt for the check by signing the paid copy of Form FHA–5 in exactly the same manner that the note was signed.

(e) The County Supervisor will then deliver to the association a conformed copy of Form FHA–125, "Promissory Note (Associations)."

(iii) *Obtaining fidelity bonds.* At the time the loan check is delivered, the association will make application for a fidelity bond covering the position entrusted with the receipt and disbursement of its funds. The amount of the bond will be at lease equal to the amount of the assessments or charges made and collected by the association in any normal fiscal year. The association will pay the premium for the bond. The State Director, acting for the United States Government, will be named as obligee in the bond with the association. The fidelity bond will be obtained locally through an acceptable bonding company and will be forwarded to the State Director. The expiration date of the bond will be entered on the Area Guide Card for the association.

(iv) *Responsibility of the County Supervisor.* It is the responsibility of the County Supervisor, as well as any other official of the Farmers Home Administration in assisting the County Supervisor to close the loan, to comply explicitly with all loan closing instructions issued by the Representative of the Office of the Solicitor, including the obtaining and filing or recordation of security instruments and other documents required by such instructions.

(3) *Payment of fees and costs.* Statutory fees and other charges for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions will be paid by the association from its own funds or from the proceeds of the loan. Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA–385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed in an original and one copy. The copy will be placed in the County docket and the original will be given to the association.

(h) *Insurance.* (1) The State Director will require associations to obtain (i) public liability and property damage insurance on all trucks, tractors, and other vehicles owned by the association and frequently driven over public highways, and (ii) fire and extended coverage insurance on all buildings and equipment therein. Consideration will be given to the recommendations of the officers of the associations and the prevailing customs in the area as to the types and amount of insurance to be required. The insurance may be obtained locally. The State Director will notify the County Supervisor when the insurance is to be obtained and the County Supervisor will request the association to obtain such coverage.

(2) The fire and extended coverage insurance policy must contain (i) the standard mortgage clause (without contribution) printed in or attached to the policy, (ii) the mortgage clause (without

contribution) which has been approved and made mandatory by the laws of the state, or (iii) Form FHA-878, "Insurance Mortgage Clause." However, in those jurisdictions where, under local laws or conditions, none of the mortgage clauses referred to above may be used, the clause mandatory in that locality may be used after approval by the National Office. The "United States of America" will be shown as "Mortgagee" in the mortgage clause or in the loss payable clause if no space is provided in the mortgage clause. All notices to the mortgagee will be sent to the State Office covering the territory in which the property is located.

(3) The original insurance policy will be kept in the County office file.

(50 Stat. 869, 54 Stat. 1124; 16 U. S. C. 590r–x, 16 U. S. C. 590z–5; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520, 7 CFR 1946 Supp.)

[SEAL] S. P LINDSEY, Jr.,
Acting Administrator
Farmers Home Administration.

NOVEMBER 18, 1947.

Approved: December 2, 1947.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10737; Filed, Dec. 5, 1947; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUBPART—1948; ARIZONA

This section contains the provisions of the 1948 Agricultural Conservation Program for the State of Arizona. Payments will be made for participation in the program in accordance with the provisions of this section and such modifications as may hereafter be made.

The Agricultural Conservation Program was established by Congress to protect and improve our soils by the use of conservation practices and to aid in adjusting farm production to needs.

The continuing critical need for grains, feeds, and livestock products calls for renewed attention to conservation farming as a potential aid in increasing production.

Practices which increase yields in the current year such as cover crops, application of phosphate, and water conserving measures should be emphasized.

Community projects designed to conserve irrigation water and prevent catastrophic damage to crops and irrigation systems have been completed by several communities. By such community effort many of the basic conservation goals can be attained.

The 1948 handbook for Arizona does not include every conservation practice needed in the State, but includes those for which techniques have been proved and yet have not become routine for most areas of the State.

§ 701.941 *Arizona*—(a) *Purpose of program.* The broad purpose of the Agricultural Conservation Program is to assist farmers to maintain and improve the Nation's soil and water resources. It operates as a Government-farmer partnership with both parties sharing the cost of practices that prevent soil destruction and restore fertility to depleted soil and obtain better utilization of water resources. Since the strength of the Nation depends directly on its soil resources, all its people are concerned with building and maintaining soil fertility. Payments may be earned under the program only by carrying out approved practices. These payments represent the national interest in the care of our basic resources.

The returns from the cooperation of Government and farmer in building and maintaining the soil and in promoting more efficient use of water are abundant production of food and fiber for ourselves and for future generations. These practices result in higher yields and at the same time maintain or increase the productive capacity of the soil. There is profit for both the individual farmer and the Nation in conservation farming.

There is need to increase our soil-building efforts on a basis of putting more fertility on deposit each year than we use up to produce an abundance of food.

(b) *How the program works.* Any agricultural producer in a county may participate in the agricultural conservation program by filing a farm worksheet which must be approved by the county agricultural conservation committee. The approved farm worksheet will show the conservation practices which may be performed for credit and the minimum amount of payment which may be earned under the program on the producer's farm. A county committeeman or the producer's community committeeman will consult with the producer, advise him on how the program can be of the greatest assistance to him, and help him fill out the worksheet. The farm worksheet should be filled out prior to the time the practice is begun.

(1) *Distribution of funds.* Each State will receive its share of the funds appropriated for 1948 payments to producers who carry out approved conservation practices. The State funds will be apportioned among the counties in the State on the basis of conservation needs.

(2) *Farm allowance.* For any farm for which a 1948 farm worksheet is filed requesting the approval of practices for performance, the county committee shall establish a farm allowance which may be earned by practices performed under the 1948 program. The producer shall be notified of the extent of the allowance. Practices may be approved in an extent greater than the farm allowance, which shall be based on both the conservation needs of the farm and available funds in the county. The sum of the original farm allowances established in a county shall not exceed the amount of funds allocated to the county for conservation practices, but farm allowances may be adjusted during the program year by transferring unearned funds to farms on which practices approved by the county committee are performed to an extent greater than the allowance originally established for them. The farm allowance so established shall not apply to practices for community benefit performed under the provisions of subparagraph (4) of this paragraph.

(3) *Selection of practices.* (i) The county committee shall select practices for which there is a definite need and which would not be carried out in the desired volume in the county without the encouragement of practice payments. In addition, the county committee may select one local practice under the provisions of G–7, Local Conservation Practice, as specified in paragraph (m) (6) (i) of this section, and also may select one special practice under the provisions of G–8, Special conservation practice, as specified in paragraph (m) (6) (ii) of this section.

(ii) The farm operator shall, with the assistance of a committeeman, select from the list of practices offered in the county those practices needed on his farm which he intends to perform in 1948. These practices must be entered on the farm worksheet for the farm.

(iii) The county committee will review the practices entered on the farm worksheet and will indicate thereon the extent of the practices approved for payment and the farm allowance which may be earned in 1948 by the performance of practices approved by the committee. Adjustments may be made with the approval of the county committee at any time during the program year. The committee's approval of any practice to be performed for payment under the program, however, must be obtained prior to beginning performance.

(4) *Practices for community benefit.* Producers in any local area may agree in writing, with approval of the county and State committees, to perform designated amounts of practices which the State committee determines are necessary to conserve or improve the agricultural resources of the community.

(5) *Practices carried out with State or Federal aid.* The extent of any practice shall not be reduced because it is carried out with materials or services furnished by the Agricultural Conservation Programs Branch (hereinafter referred to as the ACP Branch), or by an agency of a State to another agency of the same State. In other cases of State or Federal aid, the total extent of any practice performed shall be reduced for purposes of payment by the percentage of the total cost of the practice which the county committee determines was furnished by a State or Federal agency.

(6) *Furnishing evidence of practices carried out.* The operator shall furnish the county committee acceptable evidence that a practice has been carried out. Analysis tags, invoices, sales slips, or other acceptable evidence of purchase and quality shall be required by the county committee for practices involving the application of materials, grass, or legume seedings, and for any practice where the rate of payment for the practice is expressed as a percentage of cost.

(c) *Conservation materials and services*—(1) *Availability.* Phosphate and other conservation materials and services may be furnished by the ACP Branch to producers for carrying out approved practices. Materials or services may not be furnished to producers who are on the Register of Indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights for set-off in order to permit the furnishing of materials and services. The title to any material distributed by the ACP Branch either through the contract or purchase order plans shall vest in the ACP Branch, until the material is applied or all charges for the material are satisfied.

(2) *Cost to the producer* The producer shall pay that part of the cost of the material or service established by the ACP Branch which is in excess of the credit for the use of the material or service in carrying out approved practices.

(3) *Deductions.* A deduction shall be made for materials or services furnished by the ACP Branch from the payment of the producer to whom the materials or services are furnished. The deduction shall be the credit value of the conservation materials or services furnished. If the producer misuses any such material or services, an additional deduction for the material or services misused equal to the amount of the original deduction for the material or services shall be made. The deduction for materials or services shall be made from any payment to the person who obtained the materials or services. If the deduction for the materials or services exceeds the payment for the producer to whom the materials or services are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

(d) *Division of payments.* The payment earned in carrying out practices with conservation materials or services furnished by the ACP Branch shall be credited to the producer to whom the materials or services were furnished.

The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying out of the practices. In making this determination the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(e) *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to $0.71 or less shall be increased to $1.00.

(2) Any payment amounting to more than $0.71 but less than $1.00, shall be increased by 40 percent.

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

(f) *Payment limited to $500.* The total of all payments made in connection with the 1948 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $500.

All or any part of any payment which has been or otherwise would be made to any person under the 1948 program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this paragraph.

(g) *Deduction for failure to maintain practices carried out under previous programs.* Where the county committee determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices or the effectiveness of any such practice is destroyed during the 1948 program year, a deduction shall be made for the extent of the practice destroyed or not maintained from the payment of the person responsible for incurring such deduction after the payment has been increased in accordance with the provisions of paragraph (e) of this section. The deduction rate shall be the 1948 practice rate, or if the practice is not offered in 1948, the practice rate in effect during the year the practice was performed.

(h) *General provisions relating to payments*—(1) *Practices defeating purposes of programs.* If the State committee finds that any producer has adopted or participated in any practice which tends to defeat the purposes of the 1948 or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person under the 1948 program.

(2) *Failure to carry out approved erosion control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county if the county committee finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1948 program year to other land in the community.

(3) *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1948 program.

(4) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances except as provided in subparagraph (5) of this paragraph, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary; and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(5) *Assignments.* Any person who may be entitled to any payment in connection with the 1948 program may assign his payment in whole or in part as security for cash loaned or advances made for the purposes of financing the making of a crop in 1948. No assignment will be recognized unless it is made

in writing on Form ACP-69 and in accordance with the instructions in ACP-70.

(i) *Application for payment*—(1) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm, except where the only payment is earned with conservation materials or services furnished by the ACP Branch in such an amount that no small payment increase is due.

(2) *Time and manner of filing application.* Payments will be made only upon application submitted on the prescribed form to the county office on or before June 30, 1949, and only to those persons who have furnished required information and filed prescribed forms in the county office within the respective time limits fixed therefor by the Director of the ACP Branch. At least one months' notice to the public shall be given of the expiration of the time limit for filing prescribed forms or required information. Such notice shall be given by the State committee by mailing notice to the office of each county committee and making copies available to the press.

(j) *Appeals.* Any producer may within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director of the ACP Branch to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

(k) *Definitions.* (1) "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

(2) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(3) "Director" means the Director of the ACP Branch of the Production and Marketing Administration.

(4) "State Committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in that State.

(5) "Technical committee" means the group of agricultural technicians selected by the State committee to assist in the selection and development of conservation practices for the agricultural conservation program and to advise generally regarding the agricultural conservation program for the State.

(6) "County Committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in that county.

(7) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (i) any other adjacent or nearby farm or range lands which the county committee, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (ii) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(8) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(9) "Producer" means any person who as landlord, tenant, or sharecropper, participates in the operation of a farm.

(10) "Cropland" means farmland which in 1947 was tilled or was in regular rotation, including any land broken out in 1948 which the county committee determines is suitable to the continuing cultivation of crops, but excluding any land which constitutes or will constitute, if such tillage is continued, a wind erosion hazard to the community and excluding also any land in commercial orchards.

(11) "Commercial orchards" means the acreage on the farm in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits (excluding non-bearing orchards and vineyards) from which the major portion of the production is normally sold.

(l) *Authority, availability of funds, and applicability*—(1) *Authority.* The program contained in this section is based upon, and is subject to, the provisions of the 1948 National Agricultural Conservation Program Bulletin, which was issued by the Secretary of Agriculture October 6, 1947, and published in the FEDERAL REGISTER October 10, 1947 (12 F. R. 6679) pursuant to the authority vested in him under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. and Sup. 590g to 590q; Public Law 546, 79th Congress; Public Laws 249, 266, 80th Congress)

(2) *Availability of funds.* The provisions of the 1948 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

The funds provided for the 1948 program will not be available for payment of applications filed in the county office after December 31, 1949.

(3) *Applicability.* The provisions of the 1948 program contained herein are not applicable to (i) any department or bureau of the United States Government or any corporation wholly owned by the United States; and (ii) grazing lands owned by the United States which were acquired to reserved for conservation purposes or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered under the Taylor Grazing Act by the Bureau of Land Management or the Fish and Wildlife Service of the United States Department of the Interior, or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture.

The program is applicable to (i) privately owned lands; (ii) lands owned by a State or political subdivision or agency thereof; (iii) lands owned by corporations which are partly owned by the United States, such as Federal Land Banks and Production Credit Associations; (iv) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the Departments composing the National Military Establishment, or by any other Government agency designated by the ACP Branch; (v) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (vi) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

(m) *Conservation practices and rates of payment.* Prior approval by the county committee is required for all practices in 1948. The county committee is authorized to provide additional specifications or to tighten existing requirements for the practices. Closing dates may be established for the performance of practices provided such closing dates are not later than December 31, 1948.

(1) *Application of fertilizers and other materials*—(i) *Practice A-2; phosphate.* Payment will be made for applying phosphate or mixed fertilizers containing phosphate when used on permanent pasture; hay crops, excluding small grains, Sudan grass, and sorghums; winter cover

crops, other than small grains alone; summer legumes grown for cover crops, hay, or seed for planting; and new seedings of legumes and grasses with or without a nurse crop.

Payment rate: $0.04 per pound of available P_2O_5.

(ii) *Practice A–4; application of gypsum or sulphur.* Gypsum or sulphur will qualify for payment when applied as a soil amendment to cropland or in orchards. Sulphur used as an insecticide will not qualify for payment.

Payment rate: $0.015 per pound of available sulphur.

(2) *Green manure and cover crops*—(i) *Practice B–2; summer annual legumes.* Payment will be made for plowing under a good stand and good green growth of seeded guar, sesbania, or cowpeas as a green manure crop. No payment will be allowed if the crop is harvested for seed.

Payment rate: $2.50 per acre.

(ii) *Practice B–7; sweet clover for green manure.* Payment will be made for plowing under a good stand and good growth of seeded sweet clover as a green manure crop.

Payment rate: $1.50 per acre.

(3) *Erosion control and water conservation practices*—(i) *Practice C–1, terracing.* Payment will be made for the construction of standard terraces for which proper outlets are provided. The cubic yardage will be computed on that part of the fill made above the original ground level. Plans for the terraces, unless designed by a person capable of engineering or surveying, shall not be approved by the county committee.

Payment rate: $0.04 per cubic yard of material moved.

(ii) *Practice C–2; contour farming intertilled crops.* Payment may be earned on non-irrigated cropland on which all farming operation of intertilled row crops are performed on the contour. Base guide lines should be spaced at intervals not in excess of two feet vertically or 200 feet horizontally. On terraced land, the terraces will serve as guide lines. The crop stubble or residue must be allowed to remain on the land through the winter or a winter cover crop established.

Payment rate: $1.50 per acre.

(iii) *Practice C–3; contour farming drilled or close sown crops.* Payment may be earned on non-irrigated cropland on which all farming operations of close-grown crops are performed on the contour. Base guide lines should be spaced at intervals not in excess of two feet vertically or 200 feet horizontally. On terraced land, the terraces will serve as guide lines. All cultural operations must be performed on the contour.

Payment rate: $0.75 per acre.

(iv) *Practice C–4; establishing contour strip-cropping.* Payment may be earned for the establishment of contour stripcropping on an entire field of non-irrigated cropland provided that the slope of the land does not exceed 2 percent and the strips of intertilled crops must be protected by alternate strips of close-grown crops. Strips shall not be less than 20 feet or more than 200 feet wide. The contour guide lines at not more than 0.5 foot vertical intervals shall serve as strip boundaries. The county committee shall require prior approval and add any other specifications they deem necessary. No payment will be made for this practice on any acreage for which payment is made under Practice C–2, Contour farming intertilled crops, as specified in subdivision (ii) of this subparagraph, or Practice C–3, Contour farming drilled or close sown crops, as specified in subdivision (iii) of this subparagraph.

Payment rate: $4.00 per acre.

(v) *Practice C–10; contour cultivation of non-crop pasture land.* Payment may be earned for furrowing or ripping non-crop pasture land on the contour in a manner which loosens the soil to a depth of 16 inches or leaves a furrow or combination of furrows with an aggregate cross-sectional area of 40 square inches. Spacing shall not exceed one foot vertically or 25 feet horizontally.

Payment rate: $0.25 per 1,000 linear feet.

(vi) *Practice C–11, subsoiling.* Payment will be made for subsurface tillage of irrigated cropland by use of an implement designed to heave and shatter the soil to a depth of 20 inches or more. Work must be accomplished between June 1 and September 1, and the land must be fallowed for at least 30 days immediately after subsoiling.

Payment rate: $2.25 per acre for intervals up to 4 feet.

(vii) *Practice C–17; spreader ditches, spreader terraces or dikes for collecting or spreading water.* All ditches, terraces, and dikes must be constructed on a non-erosive grade and in accordance with detailed plans approved by the county committee. All dikes two feet high and over shall have a minimum top width equal to the height and a minimum slope of 2 feet horizontal to 1 foot vertical on the sides. Payment will be computed on the fill made above the original ground level.

Payment rate: $0.03 per cubic yard of earth moved.

(viii) *Practice C–19; construction of riprap of a permanent nature along streambanks, in gullies, on the face of dams, or in water courses to control erosion.* Payment may be earned for the construction of riprap with rock, heavy brush, timbers, rails, or a combination of these materials. Flexible jetties with tree plantings will qualify. Rigid jetties, heavy rock riprap or rock and wire baskets will not be approved unless placed on a firm foundation. Along streams with sand, quicksand or other semi-fluid bottoms, jetties or other protection of a flexible nature properly designed and constructed will qualify. All riprap will be constructed according to detailed plans approved by the county committee.

Payment rate: The larger of:

(a) $0.50 per square yard of exposed surface, or

(b) $1.50 per cubic yard of riprap material.

(ix) *Practice C–22; construction of flumes or chutes in gullies or ditches to control erosion.* All flumes or chutes will be constructed of the following materials: wood, metal pipe, concrete, or rubble masonry in accordance with detailed plans approved by the county committee.

Payment rate: 50 percent of the cost of material used, not in excess of $10.00 per cubic yard of concrete or $9.00 per cubic yard of rubble masonry.

(x) *Practice C–23; mechanical protection of outlet channels.* To be eligible for payment, this work will be done according to detailed plans and specifications approved by the county committee.

Payment rates: (a) 50 percent of the cost of concrete or rubble masonry used, but not in excess of $9.00 per cubic yard of rubble masonry, or $10.00 per cubic yard of concrete.

(b) $0.50 per square yard of exposed surface for log dams.

(c) $0.50 per square yard of exposed surface of wire bound mulch used.

(d) $0.15 per square yard of exposed surface on wire dams.

(xi) *Practice C–25; dams for erosion control.* Payment may be earned for the construction of earthen dams for erosion control and when found necessary for the construction of concrete or rubble masonry dams. All structures shall be laid out and have their plans approved by competent persons who have been authorized by the State and county committees to perform such duties.

Payment rates: (a) $0.03 per cubic yard of earth placed in the construction of dams and wing walls.

(b) 50 percent of the average cost of concrete or rubble masonry, but not in excess of $10.00 per cubic yard of concrete or $9.00 per cubic yard of rubble masonry.

(c) 50 percent of the average cost of pipe delivered to the farm.

(4) *Irrigation and drainage practices*—(i) *Practice D–1, reorganization of farm irrigation system.* Payment may be earned for reorganization of a farm irrigation system by construction or enlargement of permanent ditches, laterals, or dikes; installation of pipe lines or lining ditches; and construction or installation of siphons, flumes, drops, weirs, and diversion gates to control erosion or conserve water in accordance with a comprehensive plan approved by the county committee. Repairs and replacement of existing structures will not qualify for payment.

Payment rates: (a) $0.03 per cubic yard of earth moved.

(b) $10.00 per cubic yard of concrete.

(c) $9.00 per cubic yard of rubble masonry.

(d) 50 percent of the cost of any other materials. Receipts must be presented as supporting evidence.

(ii) *Practice D–2; leveling land for irrigation.* Payment may be earned for leveling irrigated cropland for which water is available when it has been determined by previous irrigation that there is a loss of soil or water because of surface irregularities. All leveling should be staked by a person qualified to operate a level and figure cuts and fills for yardage computation. Land planing and floating will not qualify for payment.

No payment will be made on any land for which payment for leveling has been made under a previous program.

Payment rate: $0.08 per cubic yard of material moved in cut or fill, but not to exceed $10.00 per acre of land leveled.

(iii) *Practice D–3; construction of irrigation dams.* Payment may be earned for the construction of new irrigation dams, provided the project has prior approval of the county committee, and the plans for the structure are approved or drawn up by a competent person.

Payment rates: (*a*) $0.08 per cubic yard of earth moved.
(*b*) $10.00 per cubic yard of concrete.
(*c*) $6.00 per cubic yard of rubble masonry.

(5) *Range and pasture practices.* Payment will not be made for any of the following range or pasture practices where the county committee determines that the grazing land in the unit has been overgrazed.

(i) *Practice E–1, limited grazing; applicability; grazing land.* Payment may be earned for the conservation of grazing land by the maintenance of forage residue throughout 1948 by complying with utilization standards approved by the ACP Branch on all grazing land in the ranching unit and for carrying out the provisions of a management plan as specified by the county committee.

Payment will be made only to a bona fide livestock producer who timely files a management plan which is approved by the county committee.

In approving a management plan, the county committee shall designate in accordance with instructions issued by the State committee those improvements and practices which are necessary for the production and improvement of the forage stand. Where necessary, the county committee shall require that the unit be fenced, rodents and insect pests be controlled, and poisonous or competitive plants be eradicated. This practice shall be not approved on any unit where the plan fails to show stocking rates approved by the county committee.

At least one check plot shall be established on a unit prior to the start of forage growth each year. Check plots shall have an area of not less than 144 square feet and shall be not less than 8 feet in width.

Payment rate: The amount approved for the practice by the county committee based on the conservation needs of the unit, not to exceed 4 cents per acre of the grazing land in the unit.

(ii) *Practice E–2; wells.* Payment will be made for drilling or digging wells or for deepening by drilling or digging wells which are inadequate or have failed to provide sufficient water. A casing not less than 4 inches in diameter must be used, except for artesian wells where a casing not less than 2 inches in diameter will qualify. To qualify for payment, a well must be equipped with a windmill or power pump and be provided with a storage reservoir with a capacity of at least 400 cubic feet or 3,000 gallons. An artesian well equipped with a cut-off device will qualify for payment without installation of pumping equipment. Any well developed for payment shall be solely for the purpose of bringing about an improved distribution of livestock. To qualify for payment, an adequate supply of water must be made available for livestock using the adjacent area. Payment will not be made for wells developed at or for the use of any headquarters.

Payment rates: (*a*) $1.00 per linear foot for artesian wells.
(*b*) $2.00 per linear foot for wells with a bore taking a casing 4 inches or more, but less than 6 inches in diameter.
(*c*) $3.00 per linear foot for wells with a bore taking a casing 6 inches or more in diameter.

(iii) *Practice E–3; development of springs and seeps.* Payment will be made for the development of springs or seeps with a minimum storage capacity of 20 cubic feet. A spring or seep shall be developed by digging out the source and making the water available to livestock by methods which conform with good ranching practice. A wet weather spring or seep shall not qualify nor shall the repairing or enlarging of any spring or seep for which payment has been made under a previous program. Earthen reservoirs may supplement tanks or troughs, but no payment will be made for their construction, at a developed spring or seep. The source of each spring or seep, including the back filling of any excavation made for installing perforated tubing or tile, shall be adequately protected from trampling either by a fence or by a substantial covering. Waste drains must be provided where necessary for the prevention of a mire. This practice may not be approved unless it contributes to the better distribution of livestock.

Payment rates: The larger of:
(*a*) $0.50 per cubic foot of excavation in rock; and
(*b*) $0.30 per cubic foot of excavation in gravel or soil; or,
(*c*) $0.50 per cubic foot of storage capacity.

(iv) *Practice E–4; construction of dams, pits, ponds, or reservoirs for livestock water including the enlargement of inadequate structures.* The development must contribute to a better distribution of grazing or better pasture management.

All structures shall be laid out and have their plans approved by competent persons who have been authorized by the State and county committees to perform such duties. In addition, all enlargements shall have approval of the State committee by the fieldman for the county concerned.

No payment will be made for cleanout or maintenance of existing structure.

Payment rates: (*a*) $0.08 per cubic yard of earth moved.
(*b*) 50 percent of the cost of concrete or rubble masonry placed, but not in excess of $10.00 per cubic yard of concrete or $6.00 per cubic yard of rubble masonry.
(*c*) 50 percent of the average cost of fencing materials, pipe, and seeding the dam or filter strip.

(v) *Practice E–5, installation of pipe lines for livestock water* Payment will be made for installing pipe lines for the purpose of carrying water from a proven source of supply to a dry area on the range. Operators must file a plan with the county committee showing the need for livestock water at the proposed location to distribute grazing properly and showing that a pipe line is the most feasible development.

The pipe shall be of standard quality, not less than one-inch in diameter. If a pipe larger than 2 inches in diameter is used, credit will be limited to the rate applicable to 2-inch pipe. The pipe line must be protected from freezing and must be maintained on the location approved by the county committee.

Payment rates: (*a*) $0.10 for each foot of one inch pipe.
(*b*) $0.14 for each foot of 1¼ inch pipe.
(*c*) $0.17 for each foot of 1½ inch pipe.
(*d*) $0.22 for each foot of 2 inch pipe or larger.

(vi) *Practice E–7 supplemental water storage for livestock.* Payment will be made for the construction of concrete, rubble masonry, metal or wooden storage tanks that will provide supplemental water storage for range livestock. The project must contribute to better distribution of grazing. This practice is not applicable in connection with a spring or well paid for under this or previous programs unless the minimum storage required as a condition of payment for the practice has been installed and maintained.

Payment rate: $0.20 per cubic foot of storage capacity, but not to exceed 50 percent of the cost of concrete, rubble masonry, metal, or wood, and not in excess of $10.00 per cubic yard of concrete, or $6.00 per cubic yard of rubble masonry.

(vii) *Practice E–8; lining earthen reservoirs for livestock water* Payment may be earned for lining leaky earthen reservoirs with bentonite, concrete, rubble masonry, oil or asphalt-treated soil, or impervious clay materials for the prevention of seepage or loss of water. Sufficient material must be used to seal the reservoir.

Payment rate: 50 percent of the cost of the approved material, but not in excess of $10.00 per cubic yard of concrete or $6.00 per cubic yard of rubble masonry.

(viii) *Practice E–9 stock trails.* Payment will be made for the construction of trails to inaccessible areas of grass or water when such trails will promote a better distribution of livestock in the area. Trails shall not be less than 2 feet wide at any point, shall be properly drained to prevent water erosion, and shall not be constructed with a grade steeper than 20 percent.

Payment rate: 50 percent of the cost, but not to exceed $5.00 per 100 linear feet.

(ix) *Practice E–10; permanent pasture; artificial reseeding.* Payment will be made for establishing or improving permanent pasture by seeding. This practice may be approved by the county committee only after full consideration has been given to the climatic conditions of a locality and the type of soil upon which the seed is to be sown. The county committee shall use all available information of local agricultural agencies and other sources in determining the best adapted varieties to grow.

High quality seed must be used. New seeding must be adequately protected. Detailed information regarding dates,

rates, method of seeding, approved varieties, and approved methods of protection shall be obtained from the county committee at the time of approval of the practice.

The operator must indicate the source of the seed and present conclusive evidence of the amount and kind of grass seed or forage shrubs used in performing the practice.

The following grasses and forage shrubs are approved for payment:

Payment rates: (a) Lehman's love grass and weeping love grass—$2.00 per pound.
(b) Sand dropseed, crested wheatgrass, and western wheatgrass—$0.20 per pound.
(c) Winterfat—$0.15 per pound.
(d) Chamise—$0.10 per pound.

(x) *Practice E–12; elimination of perennial poisonous, noxious, or competitive plants on range land.* Payment will be made for elimination by grubbing, chopping, use of chemicals or other approved methods, provided an 85 percent kill is obtained. This practice should not be approved when the county committee determines that the elimination of plants under this practice will reduce the vegetative cover to such an extent as to encourage increased soil erosion unless a satisfactory cover can be obtained by the use of Practice E–10, Permanent pasture, artificial reseeding, as specified under subdivision (ix) of this subparagraph.

Payment rates: (a) Mesquite and juniper—50 percent of the cost, but not to exceed $5.00 per acre.
(b) Burro weed and snakeweed—50 percent of the cost, but not to exceed $2.00 per acre.
(c) Big sage (Artimesia tridentata), cactus black brush—50 percent of the cost, but not to exceed $2.00 per acre.

(xi) *Practice E–14; range fences.* Payment will be made for the construction of fences on range and pasture land provided such fences will contribute to better distribution of livestock and improved management on the unit, or to protect badly eroded areas. Fences must be constructed to specifications required for a legal fence in Arizona. Repairing an existing fence will not qualify for payment.

Payment rate: $0.55 per rod or 50 percent of the cost of fencing materials, whichever is the smaller.

(6) *Miscellaneous practices*—(i) *Practice G–7 local conservation practice.* The county committee may select with the prior approval of the State committee and the technical committee, and the concurrence of the ACP Branch, one practice of a local nature not included in the National Bulletin § 701.903 (12 F. R. 6679) other than a practice of seeding grasses or legumes, which has a definite soil or water conservation value, or which will maintain or increase soil fertility or conserve and increase range and pasture forage, and will meet special needs in the county. Any practice selected hereunder must be carried out under specifications approved by the State committee. The State committee shall determine the amount of funds which may be expended on this practice in any county.

Payment rate: The rate recommended by the county committee and approved by the State committee with the concurrence of the ACP Branch. The rate should not exceed that percentage of the cost specified as the maximum for practices of a similar type included in the National Bulletin § 701.903 (12 F. R. 6679).

(ii) *Practice G–8; special conservation practice.* With the approval of the State committee, the county committee may select for use in the county, one practice included in the National Bulletin, as prescribed in § 701.903 (12 F. R. 6679) for which there is a need locally, but which is not selected for use as prescribed in this paragraph.

Payment rate: The rate recommended by the county committee and approved by the State committee, except that the rate may not be in excess of the maximum rate for the practice set forth in the National Bulletin, § 701.903 (12 F. R. 6679).

(Secs. 7–17, 49 Stat. 1148–1151, as amended, 60 Stat. 663, Public Laws 249, 266, 80th Cong., 16 U. S. C. and Sup. 590g–590q)

Approved: December 1, 1947.

[SEAL] THOMAS B. JOYCE,
Acting Director, Agricultural Conservation Programs Branch.

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PART 701—AGRICULTURE CONSERVATION PROGRAM BULLETIN

SUBPART—1948; OREGON

This handbook contains the provisions of the 1948 Agricultural Conservation Program for the State of Oregon. Payments will be made for participation in the program in accordance with the provisions of this handbook and such modifications as may hereafter be made.

This is Oregon's Handbook of Conservation Practices for 1948. The Handbook was prepared by the State committee, with the guidance of county and community committeemen recommendations. It is the application to Oregon's needs of the agricultural conservation program provided by Congress.

The program is provided to assist farmers in carrying out approved practices that will maintain and improve soil and water resources so that high agricultural production may be assured today and in the future. Under this program, part of the costs of the conservation practices are defrayed by the Government and represent the Nation's interest in what happens to its basic resources.

It is the responsibility and aim of the State committee to obtain the maximum amount of conservation in the State with Oregon's share of the funds appropriated for the 1948 Agricultural Conservation Program. The elected county and community farmer-committeemen share this responsibility. Farmers and their committeemen must work together to obtain for the Nation and our farms the maximum amount of conservation possible with the funds and facilities available to us for this work.

The Agricultural Conservation Program for Oregon as outlined in this 1948 State Handbook does not include every conservation practice needed in the State. It does include the practices of most general and immediate need. When practices become routine to a farmer's operation it is the intent to eliminate such practices and add others which are needed and for which program assistance is necessary in order to get farmers to carry them out. Suggestions for improving and changing the program in ways that will obtain more and better conservation are solicited from farmers and committeemen each year.

§ 701.974 *Oregon*—(a) *Purpose of program.* The broad purpose of the Agricultural Conservation Program is to assist farmers to maintain and improve the Nation's soil and water resources. It operates as a Government-farmer partnership with both parties sharing the cost of practices that prevent soil destruction and restore fertility to depleted soil and obtain better utilization of water resources. Since the strength of the Nation depends directly on its soil resources, all its people are concerned with building and maintaining soil fertility. Payments may be earned under the program only by carrying out approved practices. These payments represent the national interest in the care of our basic resource.

The returns from the cooperation of Government and farmer in building and maintaining the soil and in promoting more efficient use of water are abundant production of food and fiber for ourselves and for future generations. These practices result in higher yields and at the same time maintain or increase the productive capacity of the soil. There is profit for both the individual farmer and the Nation in conservation farming.

There is need to build soil fertility by putting more of it on deposit each year than we use up to produce an abundance of food.

(b) *How the program works*—(1) *Selection of practices.* (i) Each county committee shall select from the approved State practices which are listed in paragraph (m) of this section those practices for which payment will be offered in the county. The county committee shall select practices for which there is a definite need and which would not be carried out in the desired volume in the county without the encouragement of practice payments. The practices selected, together with the general program provisions applicable in the county, detailed specifications and county committee recommendations shall be included in a county practice handbook for general distribution to farmers.

The county committee with the approval of the State committee may approve rates of payment lower than the rates in paragraph (m) of this section.

(ii) With the approval of the State committee, the county committee may select and offer in the county handbook one practice not contained in paragraph (m) of this section but which is contained in the National Bulletin (12 F. R. 6679).

(iii) The county committee with approval of the State committee and Technical Committee and with the concurrence of the Agricultural Conservation Programs Branch (hereinafter referred

to as ACP Branch) may approve one local conservation practice not contained in the National Bulletin (12 F R. 6679) other than a practice of seeding grasses or legumes. The State committee's approval must be obtained for the percent of the county allocation of agricultural conservation program funds to be used for the local conservation practice.

(2) *Participation.* Any agricultural producer in a county may participate in the agricultural conservation program by obtaining prior approval from the county committee for practices to be carried out.

(i) In the counties of Douglas, Klamath, Lane, Multnomah, Polk, Washington, and Yamhill prior approval will be conditioned upon the producer filing a Farm Work Sheet approved by the County Agricultural Conservation committee. The approved Farm Work Sheet will show the conservation practices which may be performed for credit and the amount of payment which may be earned under the program on the producer's farm. A county committeeman or the producer's community committeeman will consult with the producer, advise him on how the program can be of the greatest assistance to him and help him fill out the plan. The Farm Work Sheet should be filled out before spring operations and must be signed and filed with the county committee no later than May 1, 1948. The State Committee may accept a Farm Work Sheet filed after the closing date in any case where the failure to timely file was not the fault of the producer.

For any farm for which a 1948 Farm Work Sheet is filed requesting the approval of practices for performance the county committee shall establish a farm allowance which may be earned for practices performed under the 1948 program. The producer shall be notified of the extent of the allowance at the time prior approval to perform practices is given. Practices may be approved in an extent greater than the farm allowance which shall be based on both the conservation needs of the farm and available funds in the county. The sum of the original farm allowances established in a county shall not exceed the amount of funds allocated to the county for conservation practice payments, but farm allowances may be adjusted by transferring unearned funds to farms on which practices approved by county committees are performed to an extent greater than the allowances originally established for them. The farm allowance so established shall not apply to practices for community benefit performed under the provisions of subparagraph (4) of this paragraph.

(ii) In all other counties in the State prior approval will be conditioned upon filing a formal request for prior approval with the county committee for each practice just before performance is to be carried out. County committee approval will consist of a formal notification to the producer of the units approved, the date when the performance is to be completed and the amount of funds obligated for the practice. Practice approval will be based on the conservation needs of the farm and the funds approved will be based on the estimated needs of the county as compared to the available funds. County committtees will rely on the personal knowledge and recommendations of community committeemen and supervisors as to the conservation value of the proposed practice. Total practices approved in the county cannot exceed the county allocation of Agricultural Conservation Program funds.

(3) *Distribution of funds.* Each State will receive its share of the funds appropriated for 1948 payments to producers who carry out approved conservation practices. The State funds will be apportioned among the counties in the State on the basis of conservation needs.

(4) *Practices for community benefit.* Producers in any local area may agree in writing, with approval of the county and State committees, to perform designated amounts of practices which the State committee determines are necessary to conserve or improve the agricultural resources of the community

(5) *Practices carried out with State or Federal aid.* The extent of any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State. In other cases of State or Federal aid, the total extent of any practice performed shall be reduced for purposes of payment by the percentage of the total cost of the practice which the county committee determines was furnished by a State or Federal agency.

(6) *Furnishing evidence of practices carried out.* The operator shall furnish the county committee acceptable evidence that a practice has been carried out. Analysis tags, invoices, sales slips, or other acceptable evidence of purchase and quality shall be required by the county committee for practices involving the applications of materials, grass or legume seedings and chemicals used for weed control or for any practice for which the rate of payment for the practice is expressed as a percentage of the cost.

(c) *Conservation materials and services*—(1) *Availability.* Liming materials, phosphates, seeds, and other farming materials or services may be furnished by the ACP Branch to producers for carrying out approved practices. Materials or services may not be furnished to producers who are on the Register of Indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights for set-off in order to permit the furnishing of materials and services.

Title to any material distributed by the ACP Branch, either directly or through purchase orders, shall vest in the ACP Branch until the material is applied or planted, or all charges for the material are satisfied.

(2) *Cost to producer in cash.* The producer shall pay that part of the cost of the material or services established by the ACP Branch which is in excess of the credit for the use of the material or service in carrying out approved practices.

(3) *Deduction.* A deduction shall be made for materials or services furnished by the ACP Branch from the payment of the producer to whom the materials or services are furnished. The deduction shall be the credit value of the conservation materials and services furnished, except that (i) where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost; and (ii) where the material or service was transferred to the 1948 program from a previous program and the practice for which furnished is not offered in the county under the 1948 program, the producer may be relieved of the above deductions upon determination by the county committee that the material or service was used in performing the practice for which the material or service was furnished. If the producer misuses any of the materials or services furnished, an additional deduction equal to the original amount of the deduction for the material or service misused shall be made.

Materials or services will be considered as misused, for the purpose of this section, in the following instances:

(i) Where the county committee determines that any conservation material has been applied to crops which are not designated as eligible crops by the county and State committees, unless failure to properly use the material was due to conditions beyond the producer's control.

(ii) Where the county committee determines that a structure, such as a terrace or dam, has been willfully or negligently destroyed by a producer in the program year in which the structure was completed.

(iii) Where the county committee determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(iv) Where the county committee determines that, with respect to seed furnished in connection with a green manure or cover crop, the crop is harvested for grain or hay, or is too heavily grazed.

(v) Where the county committees determine that a producer has disposed of material by sale, barter, or some other unauthorized means.

(vi) Where the county committee is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

If the deduction for the materials or services exceeds the payment for the producer to whom the materials or services are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the ACP Branch, be transferred to another producer or other-

wise disposed of by the ACP Branch at the expense of the producer who abandoned or failed to use the material, or retained by the producer for use in a subsequent program year.

(d) *Division of payments.* The payment earned in carrying out practices with conservation materials or services furnished by the Agricultural Conservation Programs Branch shall be credited to the producer to whom the materials or services were furnished.

The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(e) *Increase in small payments.* If the payment computed for any person with respect to any farm is less than $200, it shall be increased as follows:

(1) Any payment amounting to $0.71, but less than $1.00.

(2) Any payment amounting to more than $0.71, but less than $1.00, shall be increased by 40 percent.

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $165.99	14.00
$166.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

(f) *Payments limited to $500.* The total of all payments made in connection with the 1948 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico and the Virgin Islands) shall not exceed the sum of $500.00.

All or any part of any payment which has been or otherwise would be made to any person under the 1948 program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this paragraph.

(g) *Deduction for failure to maintain practices carried out under previous programs.* Where the county committee determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices or the effectiveness of any such practice is destroyed during the 1948 program year, a deduction shall be made for the extent of the practice destroyed or not maintained from the payment of the person responsible for incurring such deduction after the payment has been increased in accordance with the provisions of paragraph (e) of this section. The deduction rate shall be the 1948 practice rate, or if the practice is not offered in 1948, the practice rate in effect during the year the practice was performed.

(h) *General provisions relating to payments*—(1) *Practices defeating purposes of programs.* If the State committee finds that any producer has adopted or participated in any practice which tends to defeat the purpose of the 1948 or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person under the 1948 program.

(2) *Failure to carry out approved erosion control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county if the county committee finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1948 program year to other land in the community.

(3) *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1948 program.

(4) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subparagraph (5) of this paragraph, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof; in favor of the owner or any other creditor.

(5) *Assignments.* Any person who may be entitled to any payment in connection with the 1948 program may assign his payment in whole or in part as security for cash loaned or advances made for the purposes of financing the making of a crop in 1948. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70.

(i) *Application for payment*—(1) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm except where his only payment is earned with conservation materials or services furnished by the ACP Branch in such an amount that no small payment increase is due.

(2) *Time and manner of filing application.* Payments will be made only upon application submitted on the prescribed form to the county office on or before December 31, 1949, and only to those persons who have furnished required information and filed prescribed forms in the county office within the respective time limits fixed therefor by the Director. At least 1-month's notice to the public shall be given of the expiration of the time limit for filing prescribed forms or required information. Such notice shall be given by the State committee by mailing notice to the office of each county committee and making copies available to the press.

(j) *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsid-

eration. If the producer is dissatisfied with the decision of the county committee he may within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

(k) *Definitions.* (1) "Agricultural Conservation Programs Branch" means the ACP Branch of the Production and Marketing Administration.

(2) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(3) "State Committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in that State.

(4) "County Committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in that county.

(5) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (i) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (ii) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(6) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(7) "Producer" means any person who as landlord, tenant, or sharecropper, participates in the operation of a farm.

(8) "Cropland" means farm land which in 1947 was tilled or was in regular rotation, including any land broken out in 1948 which the county committee determines is suitable to the continuing cultivation of crops but excluding any land which constitutes or will constitute, if such tillage is continued, a wind erosion hazard to the community and excluding also any land in commercial orchards.

(9) "Commercial orchards" means the acreage on the farm in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits (excluding nonbearing orchards and vineyards) from which the major portion of the production is normally sold.

(l) *Authority, availability of funds, and applicability*—(1) *Authority.* The program contained in this handbook is based upon, and is subject to, the provisions of the 1948 National Agricultural Conservation Program Bulletin, which was issued by the Secretary of Agriculture, October 6, 1947, and published in the FEDERAL REGISTER October 10, 1947 (12 F. R. 6679) pursuant to the authority vested in him under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. and Sup. 590g to 590q; Pub. Law 546, 79th Cong., Pub. Laws 249, 266, 80th Cong.)

(2) *Availability of funds.* The provisions of the 1948 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

The funds provided for the 1948 program will not be available for payment of applications filed in the county office after December 31, 1949.

(3) *Applicability.* The provisions of the 1948 program contained herein are not applicable to (i) any department or bureau of the United States Government or any corporation wholly owned by the United States; and (ii) grazing lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered under the Taylor Grazing Act by the Bureau of Land Management or the Fish and Wildlife Service of the United States Department of the Interior, or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture.

The program is applicable to (i) privately-owned lands; (ii) lands owned by a State or political subdivision or agency thereof; (iii) lands owned by corporations which are partly owned by the United States, such as Federal Land Banks and Production Credit Associations; (iv) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, The Home Owners Loan Corporation, the Federal Farm Mortgage Corporation, the Departments composing the National Military Establishment, or by any other Government agency designated by the ACP Branch; (v) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (vi) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

(m) *Conservation practices and rates of payment.* The county committee is authorized to tighten or add to the specifications in the State handbook and to establish closing dates for the performance of individual practices. Prior approval by the county committee is required for all practices. Each practice must be carried out in accordance with specifications which will be furnished by the county committee.

(1) *Fertilizers and other materials*—(i) *Practice a–1, application of liming materials.* The rate of application shall not be less than 1,400 pounds of pure calcium carbonate or its neutralizing equivalent per acre. Limestone to qualify for payment must be ground fine enough so that 90 percent will pass through an 8-mesh sieve; 20 percent through a 100-mesh sieve, and all fine particles contained in the grinding process shall be left in. Where limestone containing less than 90% of calcium carbonate is used the rate shall not exceed the rate for an equivalent amount of bulk standard (90 percent) ground limestone.

Payment rates: (*a*) $2 per ton where 50 percent of the cost, f. o. b. farm does not exceed $3 per ton.

(*b*) $3 per ton were 50 percent of the cost, f. o. b. farm exceeds $3 but does not exceed $4 per ton.

(*c*) $4 per ton where 50 percent of the cost, f. o. b. farm exceeds $4 but does not exceed $5 per ton.

(*d*) $5 per ton where 50 percent of the cost, f. o. b. farm exceeds $5 but does not exceed $6 per ton.

(*e*) $6 per ton where 50 percent of the cost, f. o. b. farm exceeds $6 but does not exceed $7 per ton.

(*f*) $7 per ton where 50 percent of the cost, f. o. b. farm exceeds $7 but does not exceed $8 per ton.

(*g*) $8 per ton where 50 percent of the cost, f. o. b. farm exceeds $8 per ton.

The "percent of cost" referred to above means the lowest cost of bulk lime with comparable calcium carbonate content available in the community in which the farm is located, as determined by the county committee.

(2) *Green manure and cover crops*—(i) *Practice B–1, winter legumes for green manure and cover crops.* Austrian winter field peas, vetches and crimson clover seeded in the Fall of 1947. A good stand and a good growth must be obtained and the growth left on the land during the winter of 1947–48 and turned under as green manure. Applicable only on cropland. Payment will not be made if the crop is utilized for grain, hay, pasture or seed.

Payment rate: $3 per acre of seeded green manure.

(ii) *Practice B–2; summer-grown green manure crops.* A good stand and a good growth of peas, vetches or Huban clover plowed under as green manure. No payment will be made if the green manure crop is utilized for grain, hay, pasture, or seed. Applicable only on cropland.

Payment rate: $1.50 per acre of seeded green manure.

(iii) *Practice B–5, small grain green manure crops.* A good stand and a good growth of seeded small grains must be obtained and turned under as green manure. Payment applicable only on cropland. The green manure crop must not be utilized for hay, grain, seed or pasture.

Payment rate: $1.50 per acre of seeded green manure.

(iv) *Practice B–7 red clover alsike clover or sweet clover green manure.* A good stand and a good green growth must be turned under. Payment applicable only on cropland.

Payment rate: $1.50 per acre.

(v) *Practice B–8; establishment of perennial cover in irrigated orchards.* Establishment of a good stand and a good growth of alfalfa, brome grass, orchard grass, perennial rye grass, subterranean clover, perennial fescues, or bent grasses for a permanent cover in irrigated orchards subject to erosion will qualify.

Payment rate: $3 per acre.

(3) *Erosion control and water conservation practices*—(i) *Practice C–2; contour farming intertilled crops.* Entire field must be planted and farmed on the contour.

Payment rates: (*a*) $1.50 per acre where all cultural operations are on the contour.
(*b*) $1.00 per acre where only the planting and cultivating are on the contour.

(ii) *Practice C–3; contour farming of close-grown crops on non-irrigated land.* Applicable to small grain, peas and vetches. Any operations which would destroy the effect of the contouring will disqualify the entire acreage. This practice must be carried out on an entire field.

Payment rates: (*a*) 75 cents per acre where all tillage operations are on the contour.
(*b*) 50 cents per acre where only the seeding operation is on the contour.

(iii) *Practice C–4; establishing contour stripcropping.* Establishment of contour stripcropping with alternate strips of grain and intertilled crops or grain and fallow on cropland subject to erosion. Strips in excess of 250 feet or less than 20 feet in width will not qualify. Buffer strips will not disqualify the practice. No payment for this practice on any acreage for which payment is made under C–2, Contour Farming Intertilled Crops, as specified in subdivision (i) of this subparagraph, or C–3, Contour Farming of Close-grown Crops on Non-irrigated Land, as specified in subdivision (ii) of this subparagraph.

Payment rate: $4 per acre for establishing.

(iv) *Practice C–8; planting orchards, cane fruits, and vineyards on the contour.*

Payment rate: $7.50 per acre.

(v) *Practice C–9; field stripcropping.* Stripcropping with alternate strips of grain and intertilled crops or grain and fallow to prevent water or wind erosion. No payment under this practice on any acreage in a contour stripping or cross-slope stripping system will be made for which a payment for establishment or maintenance has been made in previous years. Strips in excess of 250 feet or less than 20 feet in width will not qualify. Buffer strips will not disqualify the practice.

Payment rates: (*a*) Stripping with strips in excess of 10 rods in width—30 cents per acre.
(*b*) Stripping with strips not in excess of 10 rods in width—75 cents per acre.

(vi) *Practice C–10; contour furrowing or chiseling non-crop pasture land.*

Payment rate: 25 cents per 1,000 linear feet.

(vii) *Practice C–11, deep sub-soiling alkaline, irrigated cropland to a depth which will effectively shatter the hardpan.* The operation must be performed during the dry season.

Payment rates: (*a*) $2.25 per acre for a depth of not less than 30 inches and at intervals of not more than 4 feet.
(*b*) $1.75 per acre for a depth of not less than 24 inches but less than 30 inches and at intervals of not more than 4 feet.
(*c*) $1.25 per acre for a depth of not less than 18 inches but less than 24 inches and at intervals of not more than 4 feet.

(viii) *Practice C–12; rotary sub-soiling.* Applicable only on land seeded to small grains in the Fall, on protected summerfallow acreage, or small grain stubble land and on land from which peas were harvested. Payment will not be made on an acreage on which straw has been burned during the program year or on land on which the rotary subsoiling has been done on strips.

Payment rate: 25 cents per acre.

(ix) *Practice C–16; sod waterways.* No payment will be made for a waterway for which payment was made under a previous program except where due to changes beyond the control of the operator, it becomes necessary to reshape the waterway and re-establish the vegetative cover. Applicable in cultivated orchards or on any cropland where it is necessary to complete the establishment of permanent vegetative cover in a waterway channel or terrace outlet.

Payment rate: 75 cents per 1,000 square feet for establishment in 1948.

(x) *Practice C–17; waterspreading and diversion including erosion control dikes.* Construction of spreader dikes, terraces or ditches for the purpose of diverting, collecting and spreading flood water will qualify. Adequate drainage outlets must be provided to properly direct the water. The outlets shall be protected against erosion. Diversion channels from another drainage will qualify.

Payment rate: 8 cents per cu. yd. of earth moved.

(xi) *Practice C–19; riprap.* Constructed of rock, logs and woven wire, brush and rocks, or rocks and woven wire along water courses for the control of erosion.

Payment rate: 50 cents per sq. yd. of exposed riprap surface.

(xii) *Practice C–22; construction of flumes, or chutes in gullies, or ditches to control erosion and installation of protective devices in outlet channels.* Practice specifications will be furnished by the county committee.

Payment rates: (*a*) 09 per cu. yd. of concrete.
(*b*) 06 per cu. yd. of rubble masonry.

(xiii) *Practice C–25; erosion control dams.* The construction of erosion control dams built in accordance with specifications furnished by the county committee.

Payment rates: (*a*) 8 cents per cu. yd. of earth moved.
(*b*) 09 per cu. yd. of concrete.
(*c*) 06 per cu. yd. of rubble masonry.

(xiv) *Practice C–26; construction of rock or rock and brush dams to control erosion.* Practice specifications will be furnished by the county committee.

Payment rate: $1.50 per cu. yd. of rock used.

(4) *Irrigation and drainage practices*—(i) *Practice D–1, reorganization of farm irrigation system.* To qualify for payment, the reorganization must be in accordance with a comprehensive written plan filed with the county committee which shall include an estimate of the yardage of earth to be moved and the material to be used in structures that will be built under the plan. Approval for this practice shall be given only when such reorganization will contribute to water conservation and/or erosion control. No payment will be made for cleaning a ditch or for repairs or replacements of existing structures.

(*a*) *Construction or enlargement of permanent ditches.*

Payment rate: 8 cents per cu. yd of earth moved.

(*b*) *Lining permanent ditches and irrigation reservoirs.*

Payment rate: 09 per cu. yd. of concrete used.

(*c*) *Installation of inverted siphons, flumes, drop boxes, or chutes, weirs, pipes, and diversion gates.*

Payment rates: (*1*) Concrete. 09 per cu. yd.
(2) Rubble masonry. 06 per cu. yd.
(3) *Redwood or commercially treated lumber.* $0.0525 per board foot.
(4) *Concrete or fibre pipe.* (i) 4-inch at 9 cents per foot.
(ii) 6-inch at 11 cents per foot.
(iii) 8-inch at 15 cents per foot.
(iv) 10-inch at 20 cents per foot.
(v) 12-inch at 23 cents per foot.
(vi) 15-inch at 32 cents per foot.
(vii) 18-inch at 42 cents per foot.
(viii) 21-inch at 55 cents per foot.
(ix) 24-inch at 73 cents per foot.
(x) 30-inch at $1.38 per foot.
(xi) 36-inch at $2.20 per foot.
(5) *Corrugated metal pipe not lighter than 16-gauge metal.* (i) 8-inch at 32 cents per foot.
(ii) 10-inch at 39 cents per foot.
(iii) 15-inch at 55 cents per foot.
(iv) 18-inch at 65 cents per foot.
(v) 21-inch at 75 cents per foot.
(vi) 24-inch at 84 cents per foot.
(vii) 30-inch at $1.23 per foot.
(viii) 36-inch at $1.52 per foot.

(6) *Smooth metal pipe not lighter than 16-gauge.* (i) 3-inch at 17 cents per foot.
(ii) 4-inch at 20 cents per foot.
(iii) 6-inch at 28 cents per foot.
(iv) 8-inch at 40 cents per foot.
(v) 10-inch at 54 cents per foot.
(vi) 12-inch at 59 cents per foot.
(vii) 14-inch at 71 cents per foot.
(viii) 16-inch at 80 cents per foot.
(ix) 18-inch at 86 cents per foot.
(x) 20-inch at $1.02 per foot.
(xi) 22-inch at $1.15 per foot.
(xii) 24-inch at $1.26 per foot.
(7) *Half round metal fluming not lighter than 22-gauge.* (i) No. 18 (11.46-inch diameter), 18 cents per foot.
(ii) No. 24 (15.28-inch diameter), 22 cents per foot.
(iii) No. 30 (19.10-inch diameter), 26 cents per foot.
(iv) No. 36 (22.92-inch diameter), 30 cents per foot.
(v) No. 42 (26.74-inch diameter), 35 cents per foot.
(vi) No. 48 (30.56-inch diameter), 40 cents per foot.
(8) *Wood stave pipe.* (i) 4-inch at 21 cents per foot.
(ii) 5-inch at 25 cents per foot.
(iii) 6-inch at 30 cents per foot.
(iv) 8-inch at 38 cents per foot.
(v) 10-inch at 48 cents per foot.
(vi) 12-inch at 56 cents per foot.
(vii) 14-inch at 66 cents per foot.
(viii) 16-inch at 82 cents per foot.
(ix) 18-inch at 95 cents per foot.
(x) 20-inch at $1.09 per foot.
(9) *Concrete border, gates or headgates with metal slides.* $0.15 for each inch of diameter of gate.

(ii) *Practice D–2; preparing land for irrigation.* Payment will be made for leveling land for which water is available, with a dirt-carrying implement, in accordance with specifications to be furnished by the county committee. The use of a float or a drag will not qualify. To qualify for payment, the operator must file with the county committee a comprehensive plan for development of his irrigation system, which shall include an estimate of the yardage of earth to be moved. Payment will only be made when proper irrigation structures have been installed, including drop boxes and weirs, ditches have been lined where necessary, and permanent ditches and laterals to control the water and prevent erosion have been properly located. No payment will be made on any land for which a payment for this practice has been made under previous programs.

Payment rate: 8 cents per cu. yd. of earth moved not to exceed $5.00 per acre.

(iii) *Practice D–3; construction of dams for irrigation water* Specifications to be furnished by the county committee.

Payment rate: 8 cents per cu. yd. of earth moved.

(iv) *Practice D–4, construction or enlargement of drainage ditches.* No payment will be made for material moved in cleaning a ditch or for excavation in connection with the installation of drainage tile.

Payment rate: 8 cents per cu. yd. of earth moved.

(v) *Practice D–5, installation of tile, fibre pipe and lumber box drains.* No payment will be made for drainage tile or fibre drainage pipe of less than 4 inches in diameter. Lumber box drains are applicable only on peat land or other land where it is impracticable to install tile or fibre pipe.

Payment rates: (a) 60 cents per rod for 4-inch tile or fibre pipe.
(b) 80 cents per rod for 6-inch tile or fibre pipe.
(c) $1.20 per rod 8-inch tile or fiber pipe.
(d) 3½ cents per board foot for lumber.

(5) *Range and pasture practices*—(i) *Practice E–2; wells for range livestock.* Wells constructed at or for the use of headquarters will not qualify. Pumping equipment must be provided except for artesian wells. Adequate storage facilities must also be provided. No payment will be made for dry holes. The development must contribute to a better distribution of grazing. No payment will be made where the county committee determines that the grazing land in the unit has been overgrazed.

Payment rates: (a) $1.00 per linear foot of well with a bore taking a casing less than 4 inches in diameter, and artesian wells.
(b) $2.00 per linear foot of well with a bore taking a casing of 4 inches but less than 6 inches in diameter, excluding artesian wells.
(c) $3.00 per linear foot of well with a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

(ii) *Practice E–3; development of springs and seeps.* The development must contribute to a better distribution of livestock. The maximum payment for single development under this practice shall be $200. No payment will be made where the county committee determines that the grazing land in the unit has been overgrazed.

Payment rates: The larger of:
(a) 50 cents per cu. ft. of excavation in rock; and
(b) 30 cents per cu. ft. of excavation in gravel; or
(c) 50 cents per cu. ft. of storage capacity.

(iii) *Practice E–4; construction of dams and reservoirs.* The development must contribute to a better distribution of grazing or better pasture management. Payment will not be made for building dams with a fill more than 10 feet in height or that will impound or store 3,000,000 gallons (9.2 acre-feet) or more of water, unless the specifications and location are approved by the State engineer and the State committee prior to the start of construction. Specifications for construction will be furnished by the county committee. No payment will be made where the county committee determines that the grazing land in the unit has been overgrazed.

Payment rates: (a) 8 cents a cu. yd. for earth moved.
(b) $9 per cu. yd. of concrete.
(c) $6 per cu. yd. of rubble masonry.

(iv) *Practice E–5, installation of pipelines for livestock water* The development must contribute to a better distribution of grazing. A good second-hand pipe may be used but payment will be limited to 75 percent of the length of pipe installed. No payment will be made where the county committee determines that the grazing land in the unit has been overgrazed.

Payment rates: (a) 6 cents per ft. of ¾-inch pipe.
(b) 9 cents per ft. of 1¼-inch pipe.
(c) 12 cents per ft. of 1½-inch pipe.
(d) 15 cents per ft. of 2-inch pipe or larger.

(iv) *Practice E–6; deferred grazing.* Applicable only on farms having 640 acres or more of grazing land or non-crop pasture. Payment will be limited to not more than 25 percent of the grazing land in the ranching unit. The deferred grazing period shall be a 120-day period between February 15 and August 31 and shall be during the normal growing period from the start of forage growth to seed maturity. The area to be deferred must be fenced or the free movement of livestock controlled by some other effective method. No payment will be made if the grazing land on the unit is overgrazed. No payment will be made for any acreage deferred from which hay is cut or seed harvested.

Payment rates: (a) 10 cents per acre deferred in the following counties: Baker, Douglas, Jackson, Jefferson, Sherman, Umatilla, Union, and Wallowa.
(b) 8 cents per acre deferred in the following counties: Crook, Deschutes, Gilliam, Grant, Malheur, Morrow, Wasco and Wheeler.
(c) 6 cents per acre deferred in the following counties: Harney, Klamath and Lake.

(vi) *Practice E–7 construction of new large water storage at wells and springs for stock water* Tanks of concrete, masonry, cement staves, redwood, commercially treated lumber, or metal for the purpose of providing a reserve supply of livestock water and improving the distribution of livestock on the range. This practice is not applicable in connection with a spring or well paid for under the 1948 or any previous agricultural conservation program, unless the minimum storage requirements as a part of these developmnets, has been installed and maintained. No payment will be made where the county committee determines that the grazing land in the unit has been overgrazed.

Payment rates: The smaller of:
(a) The sum of:
(1) 50 percent of the cost of materials used other than concrete or rubble masonry;
(2) 50 percent of the cost of concrete but not to exceed $10.00 per cubic yard; and,
(3) 50 percent of the cost of rubble masonry but not to exceed $6.00 per cubic yard, or
(b) 20 cents per cubic foot of additional and necessary water storage capacity provided.

(vii) *Practice E–9; construction of stock trails.* To inaccessible areas of grazing or water, when such trails will promote a better distribution of livestock. The trails must not be less than 2 feet wide at any point, must be properly drained to prevent water erosion, and must not have an average grade steeper than 20 percent. No payment will be made where the county committee determines that the grazing land in the unit has been overgrazed.

Payment rate: 50 percent of the cost not to exceed $4 per 100 linear feet.

(viii) *Practice E–10; seeding or reseeding of permanent pastures and grazing land.* Good viable seed of adapted perennial grasses or perennial or biennial

legumes in approved pasture mixtures recommended for the locality by the Extension Service and approved by the State committee must be sown. No payment will be made where the county committee determines that the grazing land in the unit has been overgrazed.

Payment will not be made for reseeding on the same area at intervals of less than 5 years except where more frequent reseeding is necessary because of conditions beyond the control of the operator, such as damage by frost, flood, etc.

Payment rates: (a) 60 cents a pound for the following grasses and/or legumes; meadow foxtail, Lotus uliginosus (major), Lotus corniculatus, ladino clover, and strawberry clover.

(b) 45 cents a pound for the following grasses and/or legumes; Highland bent, Seaside bent, tall meadow oat grass, and Astoria bent.

(c) 25 cents a pound for the following grasses and/or legumes; white Dutch clover, subterranean clover, alfalfa (certified), red clover, Alta fescue, Chewings fescue, red creeping fescue, Kentucky blue grass, reed canary grass, big blue grass and wild ryegrass.

(d) 15 cents a pound for the following grasses and/or legumes; meadow fescue, smooth bromegrass, orchard grass, alsike clover, and alfalfa (uncertified).

(e) 10 cents a pound for perennial ryegrass, bulbous bluegrass, slender wheatgrass, crested wheatgrass, western wheatgrass, and any other approved perennial grasses and perennial legumes not qualifying for a higher payment under rates specified under subdivisions (a), (b), (c,) and (d), in this subdivision, approved by the State committee.

(ix) *Practice E–11, fire guards established or maintained on grazing land by plowing or otherwise exposing the mineral soil.* Fire guards must have a minimum width of 10 feet. No payment will be made when the county committee determines that the grazing land in the unit has been overgrazed.

Payment rate: 60 cents per 1,000 linear feet.

(x) *Practice E–14; construction of fences of new material and of a permanent nature.* The project must permit a better distribution of grazing on range or pasture land, or protect farm woodlots from grazing. No payment will be made when the county committee determines that the grazing land in the unit has been over grazed. No payment will be made for repairs or maintenance of an existing fence. Detailed specifications will be furnished by the county committee.

Payment rates: (a) 50 percent of cost of material not to exceed 45 cents per rod of barbed wire fence constructed.

(b) 50 percent of cost of material not to exceed 65 cents per rod of woven wire fence constructed.

(c) 50 percent of cost of material not to exceed $1 per rod of timber or pole fence constructed.

(6) *Forestry practices*—(i) *Practice F–1, construction of firebreaks in area of rough topography and heavy timber.* Firebreaks must have a minimum width of five feet.

Payment rates: (a) 50 cents per 1,000 linear feet for each foot of width not in excess of 15 feet.

(b) 40 cents per 1,000 linear feet for each foot of width in excess of 15 feet, but not in excess of 25 feet.

(ii) *Practice F–2; planting forest trees, or shrubs in wind breaks for gully control along stream banks for erosion control or for forestry purposes.* Must be protected from fire and grazing and cultivated in accordance with good tree culture.

Payment rates: The larger of: (a) $1 per 100 trees or shrubs, or

(b) $7.50 per acre, but not to exceed 2 acres per ACP farm.

(iii) *Practice F–3; maintaining a stand of trees and shrubs in wind breaks which have been planted since January 1, 1943, and prior to January 1, 1948.* Replanting is required where necessary to build the stand up to a minimum of 400 trees per acre. Must be protected from fire and grazing.

Payment rate: $3 per acre.

(iv) *Practice F–4; improving a stand of forest trees.* This practice will include thinning, limbing, removal of fire hazards, tree planting and other forestry management practices. Before the practice is approved by the county committee, it must have the prior approval of a qualified forester and then must be carried out in accordance with his plans. A minimum stand of 400 trees per acre must be maintained.

Payment rate: $5 per acre.

(7) *Miscellaneous practices*—(i) *Practice G–1, clearing land for pasture.* Ditching and other improvements may be required by the county committee. Prior approval of the county committee shall be based on the determination that the clearing is necessary for conservation or better use of other land in the farm. The pasture must be seeded in accordance with specifications contained in practice E–10. Additional specifications to be furnished by the county committee. No payment will be made for clearing a stand of merchantable timber or pulpwood.

Payment rate: 50 percent of the cost of the clearing operation, but not in excess of $5 per acre.

(ii) *Practice G–3; weed control.* Payment will be made for the eradication or control in accordance with approved cultivation methods, or by the use of approved chemicals on plots infested with Canada thistle, bindweed or wild morning glory, blue flowering lettuce, tansy ragwort, whitetop or hoary cress, leafy spurge, Russian knapweed, bladder campion, gorse, and St. Johnswort. Where clean cultivation is practiced, it must be continuous throughout the growing season. This practice may be approved outside of active organized weed control districts only if (a) the infestation is limited to a single farm; (b) approved weed control measures are being carried out on all adjacent infested farms and contiguous land; or (c) the county committee determines that there is no likelihood of reinfestation from adjacent farms or contiguous land.

This practice must be carried out in accordance with detailed specifications furnished by the county committee.

Payment may be made for the eradication or control of St. Johnswort only under rate (b) below.

Payment rates: (a) 50 percent of the cost of chemicals other than oil, borax or 2, 4–D, not to exceed 10 cents per pound applied.

(b) 2 cents per pound of agriculture mesh borax.

(c) 50 percent of the cost of permit and not to exceed $1.75 per pound for 2, 4–D, applied to bindweed (wild morning glory), Canada Thistle or Whitetop.

(d) 50 percent of the cost for clean cultivation, not to exceed $7.50 per acre.

(iii) *Practice G–6; application of mulching materials.* Payment will be made for the application of not less than 1 ton per acre, air-dry weight, of straw (excluding barnyard and stable manure) to be hauled on, in orchards, on strawberries, potato land, or commercial vegetable land.

Payment rates: (a) $3 per ton for non-leguminous straw.

(b) $5 per ton for leguminous straw.

(iv) *Practice G–7; local conservation practice.* The county committee may select with the prior approval of the State committee and the State Technical Committee, and the concurrence of the Agricultural Conservation Programs Branch, one practice of a local nature not included in § 701.803 of the Agricultural Conservation Program Bulletin (12 F. R. 6679) which has a definite soil or water conservation value, or which will maintain or increase soil fertility or conserve and increase range and pasture forage and will meet special needs in the county. The seeding of grasses or legumes will not be approved as a local conservation practice. Any practice selected hereunder must be carried out under specifications approved by the State committee.

Payment rates: The rate recommended by the county committee and approved by the State committee with the concurrence of the Agricultural Conservation Programs Branch. The rate should not exceed that percentage of the cost specified as the maximum for practices of a similar type included in § 701.803 of the Agricultural Conservation Program Bulletin (12 F. R. 6679). The State committee shall determine the amount of funds which may be expended on the local conservation practice in any county.

(v) *Practice G–8; special conservation practice.* With approval of the State committee, the county committee may select for use in the county one practice included in § 701.803 of the Agricultural Conservation Program Bulletin (12 F. R. 6679) for which there is a need locally, but which is not included in paragraph (m) of this section.

Payment rate: The rate recommended by the county committee and approved by the State committee, except that the rate may not be in excess of the maximum for the practice set forth in § 701.803 (12 F. R. 6679).

(Secs. 7–17, 49 Stat. 1148–1151, as amended, 60 Stat. 663, Pub. Laws 249, 266, 80th Cong., 16 U. S. C. and Sup. 590g–590q)

Approved: December 1, 1947.

[SEAL] THOMAS B. JOYCE,
Acting Director, Agricultural Conservation Programs Branch.

[F. R. Doc. 47-10781; Filed, Dec. 5, 1947; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tangerine Reg. 67]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.366 *Tangerine Regulation 67*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., December 8, 1947, and ending at 12:01 a. m., e. s. t., December 22, 1947, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States Standards for Tangerines, as amended (12 F R. 2619))

(ii) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 (as such grade is defined in the said amended United States Standards) unless such tangerines are fairly uniform in color; or

(iii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards) in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches)

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order, and the term "fairly uniform in color" shall have the same meaning as when used in the U. S. Combination Grade as such grade is defined in the aforesaid amended United States Standards. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of December 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-10802; Filed, Dec. 5, 1947; 9:21 a. m.]

[Grapefruit Reg. 93]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.364 *Grapefruit Regulation 93*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., December 8, 1947, and ending at 12:01 a. m., e. s. t., December 22, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (12 F. R. 6277))

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated, sec. 595.09))

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards) in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit) or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit)

(2) As used in this section, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of December 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-10801; Filed, Dec. 5, 1947; 9:21 a. m.]

[Orange Reg. 130]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.365 *Orange Regulation 130*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, 1946 Supp., Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the cir-

cumstances, for preparation for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., December 8, 1947, and ending at 12:01 a. m., e. s. t., December 22, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2, U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States Standards for citrus fruits, as amended (12 F. R. 6277)) or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States Standards) in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated, sec. 595.09))

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of December 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-10803; Filed, Dec. 5, 1947; 9:22 a. m.]

[Lemon Reg. 251]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.358 *Lemon Regulation 251*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 7, 1947, and ending at 12:01 a. m., P. s. t., December 14, 1947, is hereby fixed at 225 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of December 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage date: November 30, 1947.

[12:01 a. m. December 7, 1947, to 12:01 a. m. December 21, 1947]

Handler	Prorate base (percent)
Total	100.000
Allen-Young Citrus Packing Co.	.035
American Fruit Growers, Corona	.335
American Fruit Growers, Fullerton	.165
American Fruit Growers, Lindsay	.016
American Fruit Growers, Upland	.242
Consolidated Citrus Growers	.333
Hazelton Packing Company	.848
McKellips, C. H.-Phoenix Citrus Co.	.228
McKellips Mutual Citrus Growers, Inc	.192
Phoenix Citrus Packing Co.	.142
Ventura Coastal Lemon Co.	3.618
Ventura Pacific Co.	1.630
Total A. F. G.	8.094
Arizona Citrus Growers	713
Desert Citrus Growers Co.	.378
Mesa Citrus Growers	.286
Klink Citrus Association	3.042
Lemon Cove Association	3.696
Glendora Lemon Growers Association	1.148
La Verne Lemon Association	763
La Habra Citrus Association, The	.389
Yorba Linda Citrus Association, The	.274
Alta Loma Heights Citrus Association	.466
Etiwanda Citrus Fruit Association	.381
Mountain View Fruit Association	.410
Old Baldy Citrus Association	.032
Upland Lemon Growers Association	5.704
Central Lemon Association	.180
Irvine Citrus Association, The	.097
Placentia Mutual Orange Association	.449
Corona Citrus Association	.458
Corona Foothill Lemon Co.	.037
Jameson Co.	.099
Arlington Heights Citrus Co.	0.002
College Heights Orange & Lemon Association	4.527
Chula Vista Citrus Association, The	.389
El Cajon Valley Citrus Association	.036
Escondido Lemon Association	1.787
Fallbrook Citrus Association	1.413
Lemon Grove Citrus Association	.121
San Dimas Lemon Association	1.003
Carpinteria Lemon Association	3.868
Carpinteria Mutual Citrus Association	3.483
Goleta Lemon Association	3.740
Johnston Fruit Co.	6.181
North Whittier Heights Citrus Association	.235
San Fernando Heights Lemon Association	2.224
San Fernando Lemon Association	1.117
Sierra Madre-Lamanda Citrus Association	1.804
Tulare County Lemon & Grapefruit Association	3.703
Briggs Lemon Association	1.855
Culbertson Investment Co.	.812
Culbertson Lemon Association	.989
Fillmore Lemon Association	1.431
Oxnard Citrus Association, Plant number 1	3.719
Oxnard Citrus Association, Plant number 2	2.241
Rancho Sespe	.003
Santa Paula Citrus Fruit Association	1.976
Saticoy Lemon Association	4.009
Seaboard Lemon Association	3.718
Somis Lemon Association	1.602
Ventura Citrus Association	1.760
Limonciera Company	1.316
Teague-McKevett Association	413
East Whittier Citrus Association	.257
Lemingwell Rancho Lemon Association	.003
Murphy Ranch Co.	.215
Whittier Citrus Association	.222
Whittier Select Citrus Association	.223
Total C. F. G. L.	84.813
Arizona Citrus Products Company	.013
Chula Vista Mutual Lemon Association	.691
Escondido CoOperative Citrus Association	.223
Glendora CoOperative Citrus Association	.024
Index Mutual Association	.021
La Verne CoOperative Citrus Association	1.003
Libbey Fruit Company	.047
Orange CoOperative Citrus Association	.003
Pioneer Fruit Co.	.223
Temue Citrus Co.	.10*
Ventura Co. Orange & Lemon Association	1.003
Whittier Mutual Orange & Lemon Association	.166
Total M. O. D.	5.212
Abbate, Chas. Co., The	.003
California Citrus Groves, Inc., Ltd.	.176
Evans Bros. Pkg. Co.—Riverside	.023
Evans Bros. Pkg. Co.—Sentinel Butte Ranch	483
Harding & Leggett	427
Leppla-Pratt Produce Distrs. Inc.	.228
Morris Bros.	.003
Orange Belt Fruit Distributors	749
Potato House, The	.003
San Antonio Orchard Co.	.003
Valley Citrus Packing Co.	.003
Verity, R. H., Sons & Co.	.203
Total independents	2.871

[F. R. Doc. 47-10780; Filed, Dec. 5, 1947; 9:21 a. m.]

[Grapefruit Reg. 49]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.310 *Grapefruit Regulation 49*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Georgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., December 7, 1947, and ending at 12:01 a. m., P s. t., December 28, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit are well colored and grade U. S. Fancy, U. S. No. 1, or U. S. Combination Grade (as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona) 12 F R. 1975) *Provided,* That with respect to such grapefruit which grade U. S. Combination Grade, not less than seventy-five percent (75%) by count, of the total quantity of the grapefruit in each container shall meet the requirements of the aforesaid U. S. No. 1 grade; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any such grapefruit which are of a size smaller than 3 11/16 inches in diameter, or (*b*) to any point in Canada, any such grapefruit which are of a size smaller than 3 6/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit) except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum sizes shall be permitted which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona) *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 2/16 inches in diameter and smaller and in determining the percentage of grapefruit in any lot which are smaller than 3 6/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order; and the term "well colored" shall have the same meaning as set forth in the said revised United States Standards. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of December 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-10800; Filed, Dec. 5, 1947; 9:21 a. m.]

[Orange Reg. 207]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.353 *Orange Regulation 207*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., December 7, 1947, and ending at 12:01 a. m., P s. t., December 14, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1, 900 carloads (*b*) Prorate District No. 2, unlimited movement; and (*c*) Prorate District No. 3, 60 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of December 1947.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. December 7, 1947 to 12:01 a. m. December 14, 1947]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Lindsay	2.7778
A. F. G. Porterville	2.1308
A. F. G. Sides	7913
Ivanhoe Cooperative	.5032
Dofflemeyer, W. Todd & Son	4813
Elderwood Citrus Association	.8244
Exeter Citrus Association	2.9700
Exeter Orange Growers Association	1.2760
Exeter Orchards Association	1.3206
Hillside Packing Association, The	1.6711
Ivanhoe Mutual Orange Association	1.0028
Klink Citrus Association	3.8970
Lemon Cove Association	1.4989
Lindsay Citrus Growers Association	2.5463
Lindsay Coop. Citrus Association	1.3435
Lindsay District Orange Co	1.5133
Lindsay Fruit Association	1.9632
Lindsay Orange Growers Association	1.1432
Naranjo Packing House Co	.8367
Orange Cove Citrus Association	3.0967
Orange Cove Orange Growers Association	2.4185
Orange Packing Co	1.2717
Orosi Foothill Citrus Association	1.3364
Paloma Citrus Fruit Association	.9813
Pogue Packing House, J. E.	.6104

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Rocky Hill Citrus Association	1.6324
Sanger Citrus Association	3.0531
Sequoia Citrus Association	.8999
Stark Packing Corp	2.2942
Visalia Citrus Association	.9073
Waddell & Son	2.1293
Butte County Citrus Association, Inc	.5591
Mills Orchard Co., James	.5093
Orland Orange Growers Association, Inc	.6229
Andrews Edison Groves	4569
Baird-Neece Corp	1.7290
Beattie Association, Agnes M	4818
Grand View Heights Citrus Association	2.2810
Mangolia Citrus Association	2.1192
Porterville Citrus Association, The	1.3141
Richgrove-Jasmine Citrus Association	1.4629
Sandilands Fruit Co	1.4551
Strathmore Coop. Association	1.8171
Strathmore District Orange Association	1.7600
Strathmore Fruit Growers Association	1.1385
Strathmore Packing House Co	1.8776
Sunflower Packing Association	2.1853
Sunland Packing House Co	2.1677
Terra Bella Citrus Association	1.4616
Tule River Citrus Association	1.1090
Vandalia Packing Association	.5613
Kroells Bros., Ltd	1.4170
Lindsay Mutual Groves	1.9749
Martin Ranch	1.2497
Woodlake Packing House	1.7477
Abbate Co., The Charles	.2375
Anderson, R. M. Packing Co	.9012
Baker Brothers	.1263
Calif. Citrus Groves, Inc., Ltd	1.9233
Chess Company, Meyer W	.1539
Edison Groves Co	.6829
Evans Brothers Packing Co	1.1327
Exeter Groves Packing Co	7444
Ghianda Ranch Association	0177
Harding & Leggett	1.5587
Justman Frankenthal Co	.1169
Lo Bue Bros	.8304
Marks, W. & M	4225
Raymond Bros	.0624
R. M. C. Porterville	2.1640
Reimers, Don, H	.2064
Rooke Packing Co., B. G	1.4995
Toy, Chin	.0270
Webb Packing Co., Inc	.9256
Wollenman Packing Co	.8238
Woodlake Heights Packing Corp	.3841
Zaninovich Bros	4487
Prorate District No. 3	
Total	100.0000
Allen Young Citrus Packing Co	2.1230
Consolidated Citrus Growers	7.1849
McKellips Mutual Citrus Growers, Inc	7.0640
McKellips Phoenix Citrus Co., Inc., C. H	9.2425
Phoenix Citrus Packing Co	3.9570
Arizona Citrus Growers	19.7662
Bumstead, Dale	.5246
Chandler Heights Citrus Growers	2.1895
Desert Citrus Growers Co., Inc	4.5217
Mesa Citrus Growers	16.5545
Yuma Mesa Fruit Growers Association	.2173
Arizona Citrus Products Co	3.0350
Libbey Fruit Packing	3.9160
Pioneer Fruit Co	4.7635
Tempe Citrus Co	2.1886
Commercial Citrus Packing Co	1.3639
Dhuyvetter Bros	.8992
Ishikawa, Paul	.2519

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
Leppla-Pratt Produce Distributors, Inc	7.8113
Macchiaroli Fruit Co., James	.9200
Morris Bros. Fruit Co	.2033
Orange Belt Fruit Distributors	.1010
Potato House, The	.0755
Valley Citrus Packing Co	1.3781

[F. R. Doc. 47-10304; Filed, Dec. 5, 1947; 9:22 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Expediter Priorities Reg. 5, as Amended Feb. 13, 1947, Amdt. 5]

REMOVAL OF SALE PRICE RESTRICTIONS IN SUBSEQUENT SALES

Section 803.5, *Housing Expediter Priorities Regulation 5*, as amended February 13, 1947, is amended in the following respect:

Delete the first undesignated paragraph in (i) (1) and substitute therefor the following:

The restrictions on sale prices contained in this paragraph apply only to the first sales of dwellings of the kinds described below when built or converted under this section. The restrictions do not apply to subsequent sales nor to sales in the course of judicial or statutory proceedings in connection with foreclosures. All provisions of this section relating to the restrictions on sale prices in subsequent sales are hereby amended to the extent necessary to carry this provision into effect.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821, Pub. Law 129, 80th Cong.)

Issued this 5th day of December 1947.

TIGHE E. WOODS,
Acting Housing Expediter.

[F. R. Doc. 47-10311; Filed, Dec. 5, 1947; 10:01 a. m.]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Priorities Reg. 33, as Amended Feb. 28, 1947, Amdt. 2]

REMOVAL OF SALE PRICE RESTRICTIONS IN SUBSEQUENT SALES

Section 803.11, *Priorities Regulation 33*, as amended February 28, 1947, is amended in the following respect:

Delete the fourth and fifth sentences in paragraph (g) (1) and substitute therefor the following:

The restrictions on sales prices contained in this paragraph apply only to the first sales of dwellings of the kinds described below when built or converted under this section. The restrictions do not apply to subsequent sales nor to sales in the course of judicial or statutory proceedings in connection with foreclosures. All provisions of this section relating to the restrictions on sale prices in subsequent sales are hereby amended to the extent necessary to carry this provision into effect.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821, Pub. Law 129, 80th Cong.)

Issued this 5th day of December 1947.

TIGHE E. WOODS,
Acting Housing Expediter.

[F. R. Doc. 47-10312; Filed, Dec. 5, 1947; 10:01 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1067]

PART 69—MINERAL LANDS: GENERAL MINING REGULATIONS

MINING FOR GOLD AND OTHER PRECIOUS METALS IN BEDS AND ALONG SHORES OF NAVIGABLE WATERS IN ALASKA

Sections 69.12 to 69.18, inclusive, are amended to read as follows:

Sec.
69.12 Purpose and authority.
69.13 Filing of notice of intention to mine.
69.14 Area to be dredged.
69.15 Restrictions on dredge location.
69.16 Laws for the protection of navigable waters and fisheries.
69.17 Prior rights protected.
69.17a Dredging under prior regulations.
69.18 No title to be acquired; rights of future States.

AUTHORITY: §§ 69.12 to 69.18, inclusive, issued under Pub. Law 383, 80th Cong.

§ 69.12 *Purpose and authority.* The act of August 8, 1947 (Pub. Law 383, 80th Cong.) amends section 26 of the act of June 6, 1900, as amended (31 Stat. 321, 52 Stat. 593; 48 U. S. C. 381) to authorize the exploration and mining for gold and other precious metals in Alaska in land below the line of ordinary high tide on tidal waters and below the line of ordinary high water mark on nontidal waters navigable in fact, subject to certain conditions. It is the purpose of §§ 69.12 to 69.18, inclusive, to set forth the conditions under which such exploration and mining operations may be conducted.

§ 69.13 *Filing of notice of intention to mine.* Any citizen of the United States, any person who has legally declared his intention to become such, any association of such citizens, or any corporation organized under the laws of the United States or of any State or Territory thereof, shall, before commencing actual operations, file a notice of intention to mine or dredge for gold and other precious metals in any of the land described in the preceding section. This notice must be filed in triplicate in the nearest District Land Office, and should contain (a) the full name, address and citizenship of the person filing the notice, (b) a description of the place where the dredge

will be initially located or the mining operations otherwise commenced, such place to be connected where practicable by course and distance to a corner of the public land survey on the shore, or if there are no surveyed lands in the vicinity, with the nearest, readily-ascertainable geographical or topographical point, (c) a statement that actual dredging or mining operations will be commenced no later than 90 days after the date of filing of the notice, and (d) a statement that the dredging or other mining operations will comply with all pertinent regulations and laws.

§ 69.14 *Area to be dredged.* In order to assure the preservation of order and the avoidance of conflict, each dredge commencing operations in accordance with §§ 69.12 to 69.18, inclusive, shall not be interfered with by other dredging or mining operations within an area of 200 feet in the direction of either bank and within a space of 500 feet up or down stream. This area shall be indicated by properly placed buoys. Other dredges or boats are to have access to such area for passage and navigational purposes, but, while passing through that area, are not to extract any minerals nor engage in any dredging or moving of materials except as may be necessary for the actual movement of the equipment.

§ 69.15 *Restrictions on dredge location.* No dredge shall be placed in a position or be so operated as to interfere with the free passage of boats on nontidal waters navigable in fact or along the shore line of tidal waters, or interfere with the landing at any public wharf, or with other authorized means for landing stores or supplies. No dredge shall be located nearer to the shore than 100 feet from the line of ordinary low tide on tidal waters. Nor shall any dredge be located within the limits of frontage occupied by any townsite, mission or trading company with established entry under the law.

§ 69.16 *Laws for the protection of navigable waters and fisheries.* No dredging or other mining operations shall be conducted unless all the applicable laws and regulations relating to navigable waters and to the protection of fisheries are complied with.

CROSS REFERENCE: The regulations of the Fish and Wildlife Service of the Department of the Interior concerning fisheries are codified in 50 CFR. For regulations of the Department of War concerning navigable waters, see 33 CFR.

§ 69.17 *Prior rights protected.* No dredging or other mining shall in any way be deemed to affect or impair any valid claims, rights or privileges arising under any other provision of law, including possessory claims under the first proviso of section 8 of the act of May 17, 1884 (23 Stat. 26)

§ 69.17a *Dredging under prior regulations.* Dredging or other mining operations which were commenced after the date of enactment of the act of August 8, 1947 (Pub. Law 383, 80th Cong.) but before the effective date of this revision of §§ 69.12 to 69.18, inclusive, and notices of intention to commence such operations which were filed between those two dates, are considered valid in all respects if there has been full compliance with the pertinent requirements of §§ 69.12 to 69.18, inclusive, as printed in 43 CFR, Cum. Supp.

§ 69.18 *No title to be acquired, rights of future States.* No dredging or other mining operations shall authorize, or be permitted to lead to, the acquisition of title to any of the land dredged or mined. Any privileges acquired with respect to mining operations in land, title to which is later transferred to a future State upon its admission to the Union, and which is situated within its boundaries, shall be terminable, by such State, and the mining operations shall be subject to the laws of such State.

FRED W. JOHNSON,
Director

Approved: November 26, 1947.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 47-10720; Filed, Dec. 5, 1947; 8:48 a. m.]

Appendix—Public Land Orders

[Public Land Order 426]

OHIO

TRANSFERRING JURISDICTION OVER OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described parcels of land, title to which has been acquired by the United States, comprising the site of the Naval Ordnance Plant at Canton, Ohio, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said parcels of land; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Navy:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the two following-described parcels of land is hereby transferred from the Navy Department to the Department of the Interior:

Parcel 1. Being part of the NW¼, sec. 18, T. 10 (Canton) R. 8, Stark County, Ohio, and more particularly described as follows: Beginning at the NW corner of the said sec. 18, such point being also on the township line between Canton and Perry townships; thence eastward along the north line of sec. 18 a distance of 2516 feet to a point on the west property line of Raff Road as now located; thence in a southwesterly direction along the west property line of Raff Road, such line curving to the right with a radius of 1021.8 feet, a distance of 521 feet plus or minus, to a point of tangent; thence continuing along the west property line of Raff Road S. 48° 23' W. a distance of 64.6 feet to a point of curve; thence continuing along the said west property line of Raff Road in a southerly direction and along a curve to the left having a radius of 1021.8 feet, a distance of 943 feet plus or minus to a point; thence westwardly along a line bearing N. 85° 40' W. a distance of 1918 feet to a point on the west line of sec. 18 and also the line between Canton and Perry Townships; thence N. along the said township line a distance of 1362.4 feet to the place of beginning; containing approximately 70 acres, this description being intended to include all that portion of the N½ of the NW¼ of sec. 18, Canton Township, Stark County, Ohio, lying west of the west property line of Raff Road as now located.

Parcel 2. Being part of the S½ of the NW¼ of sec. 18, T. 10 (Canton) R. 8, Stark County, Ohio, and more particularly described as follows: Beginning at the SW corner of the said quarter section, such point being also in the centerline of Seventeenth Street S.W., in the City of Canton, Ohio, extended westward, and also on the line between Canton and Perry Townships; thence N. 4° 30' E. along the west line of the said sec. 18 and the township line a distance of 479.1 feet to a point and the true place of beginning for the parcel of land herein described; thence continuing N. 4° 30' E. along the township line a distance of 883 feet to a point; thence S. 85° 40' E. a distance of 1918 feet to a point on the west property line of Raff Road as now located; thence in a southeasterly direction and along the west property line of Raff Road as now located a distance of approximately 1075 feet to a point in the north right-of-way line of the Pittsburgh, Ft. Wayne, and Chicago Railroad; thence westwardly and along the north right-of-way line of the said railroad, the same being on a curve to the right, such curve having a radius of 3769.83 feet and coming to a point of tangent 964.14 feet east of the west boundary of sec. 18; thence continuing westward along the said north right-of-way line 964.14 feet to a point in the west boundary of sec. 18 and the place of beginning; containing approximately 50 acres, this description being intended to include all of that portion of the S½ of the NW¼ of sec. 18, Canton Township, Stark County, Ohio, lying west of the west property line of Raff Road as now located and north of the existing north right-of-way line of the Pittsburgh, Ft. Wayne, and Chicago Railroad.

The transfer of jurisdiction made by this order shall not be considered to affect a certain strip of land twenty-five feet in width off the north side of the Ordnance Plant site, which was conveyed by the Navy Department by deed dated April 27, 1945, to the City of Canton for use as a public highway, and which is more particularly described as follows:

Beginning at a stone in the northwest corner of the northwest quarter, section 18, Township 10, Range 8, Stark County, Ohio, the said stone being also on the Township line between Canton and Perry Townships; thence eastwardly and along the section line between sections 7 and 18 in Canton Township a distance of 2516 feet to a point on the west property line of Raff Road as now located; thence in a southwesterly direction and along the west property line of Raff Road, the same being a curved line to the right with a radius of 1021.8 feet, a distance of 25 feet more or less to a point, such point being 25 feet south of the section line measured at right angles; thence in a westerly direction and parallel to the north line of section 18 and being 25 feet therefrom

measured at right angles a distance of 2515.69 feet more or less to a point on the west line of the said section 18 and also the township line between Canton and Perry Townships; thence north and along the said township line 25 feet to the place of beginning; containing 1.44 acres, more or less.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over such land shall be subject to the primary jurisdiction of the Navy Department over the land for naval purposes.

4. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

DECEMBER 1, 1947.

[F. R. Doc. 47-10721; Filed, Dec. 5, 1947; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[3d Rev. S. O. 244, Amdt. 1]

PART 95—CAR SERVICE

DISTRIBUTION OF GRAIN CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of December A. D. 1947.

Upon further consideration of the provisions of Third Revised Service Order No. 244 (12 F R. 4609) and good cause appearing therefor: It is ordered, that:

Third Revised Service Order No. 244 be, and it is hereby, amended by substituting the following paragraph (f) of § 95.244 *Distribution of Grain Cars*, for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order shall become effective at 12:01 a. m., December 31, 1947; that a copy of this order and direction be served upon all State regulatory bodies regulating common carriers by railroad, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 1, 24 Stat. 379, as amended 40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W P. BARTEL,
Secretary

[F. R. Doc. 47-10744; Filed, Dec. 5, 1947; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 801]

GENERAL SUGAR REGULATIONS, RELATING TO ADMINISTRATION OF SUGAR QUOTAS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by the Sugar Act of 1937 (50 Stat. 903; 7 U. S. C. 1100) as amended, extended, and re-enacted, particularly by the Sugar Act of 1948 (Pub. Law 388, 80th Cong.) is considering the revision and re-issuance, as hereinafter proposed, of General Sugar Regulations, Series 2, No. 1, Revised (7 CFR, Cum. Supp., 801.1) General Sugar Regulations, Series 2, No. 3 (7 CFR, Cum. Supp., 801.10–801.15) and General Sugar Regulations, Series 2, No. 5, Revised (7 CFR, Cum. Supp., 801.41–801.45)

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations shall file the same in quadruplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than fifteen days after the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

SUBPART—ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES

Sec.
801.1 Definitions.
801.2 Entry of sugar into the continental United States.
801.3 Delegation of authority.

AUTHORITY: §§ 801.1 to 801.3, inclusive, issued under 50 Stat. 903, 915; 7 U. S. C. 1100, 1174.

§ 801.1 *Definitions.* As used in §§ 801.1 to 801.3, inclusive:

(a) The term "act" means the Sugar Act of 1937 (50 Stat. 903; 7 U. S. C. 1100) as amended, extended, and re-enacted, particularly by the Sugar Act of 1948 (Pub. Law 388, 80th Cong.)

(b) The term "person" means any individual, partnership, corporation, or association.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority to act in his stead.

(e) The term "quota" means any quota fixed by the Secretary pursuant to the act.

(f) The term "allotment" means any allotment of any quota or proration thereof made by the Secretary pursuant to section 205 (a) of the act.

§ 801.2 *Entry of sugar into the continental United States.* (a) All persons are hereby forbidden from bringing or importing into the continental United States sugar or liquid sugar produced in any area outside of continental United States, except through customs ports of entry. The collectors of customs shall not permit any such sugar or liquid sugar to enter continental United States unless and until there shall be furnished proof as to the following matters satisfactory to the collector of customs (an affidavit in duplicate (Form SU-3) subscribed and sworn to by the consignee as to such matters may be accepted by the collector of customs as satisfactory proof thereof) (1) The area in which such sugar or liquid sugar was produced, (2) the port from which such sugar or liquid sugar was brought, (3) the names of the consignor, consignee, shipper, and owner, (4) the kind or type and identification marks of such sugar or liquid sugar, (5) the purpose for which such sugar or liquid sugar is brought into continental United States, to wit, whether such sugar or liquid sugar is for consumption in or export from continental United States, either in the state in which it is being brought or imported into continental United States, or after it has been further refined or otherwise improved in quality, (6) the allotment, if any, under which such sugar or liquid sugar is being brought or imported into continental United States, and (7) the polarization and the weight of such sugar and the total sugar content and quantity of such liquid sugar.

(b) Upon notification by the Secretary that sugar or liquid sugar produced in any particular area outside of continental United States has, during any calendar year, been brought into continental United States for consumption therein in amounts totaling the amount of the quota established by the Secretary under the act for that area for such calendar year, collectors of customs shall permit no further sugar or liquid sugar from such area to enter continental United States during such calendar year, except as authorized by the Secretary and in accordance with the terms and conditions of such authorization.

(c) After the Secretary has determined and certified that sugar or liquid sugar produced in any particular area outside of continental United States has, during any calendar year, been brought into continental United States for consumption therein in amounts totaling the

amount of the quota or allotments established by the Secretary under the act for that area for such calendar year, the Secretary may nevertheless authorize collectors of customs to permit sugar or liquid sugar from such area to enter continental United States for consumption therein, if and when an equivalent amount of sugar or liquid sugar theretofore entered as a part of the quota from the same producing area is delivered to any collector of customs in the place and stead thereof and in substitution therefor, to be held in customs control until thereafter authorized by the Secretary to be released therefrom: *Provided, however* That no such authorization will be issued by the Secretary unless and until: (1) An application for such authorization has been filed with the Secretary setting forth the reason for requesting such substitution; (2) there shall first be shown to his satisfaction, by such proof as he may require, that the sugar or liquid sugar tendered in substitution and the sugar or liquid sugar sought to be entered (i) were produced in and brought from the same area, (ii) have the equivalent weight translated into terms of pounds of sugar polarizing 96° or, in the case of liquid sugar, the equivalent quantity translated into terms of 72 percent total sugar content, and (iii) are owned or contracted for by the same person; (3) the owner of the sugar or liquid sugar tendered in substitution shall agree in writing that such sugar or liquid sugar shall be treated in the same manner and shall be subject to the same rules and regulations as the sugar or liquid sugar for which it is tendered in substitution would have been treated and subjected if substitution therefor were not permitted; and (4) the owner of the sugar or liquid sugar tendered in substitution shall agree in writing to be responsible for all storage charges and other expenses in connection with the retention of the substituted sugar or liquid sugar in customs control until the time of release of such sugars against an applicable quota; and, in the event that such sugars are not so withdrawn when notification is given by the Secretary, the sugars may be treated as abandoned to the Government and may be sold at such time and under such conditions as the Secretary shall determine will best protect the interests of the Government and the owner, subject to payment to the said owner of the surplus proceeds, if any, after the payment of all charges and other expenses. Any sugar or liquid sugar which has become subject to sale hereunder may at any time before sale, be withdrawn under such conditions as the Secretary may prescribe.

§ 801.3 *Delegation of authority.* The Director or Acting Director of the Sugar Branch, Production and Marketing Administration of the Department is hereby designated to act for and on behalf of the Secretary in administering §§ 801.1 to 801.3, inclusive.

SUBPART—ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES FOR RE-EXPORT

Sec.
801.10 Definitions.
801.11 Importing sugar or liquid sugar exquota by furnishing bond.
801.12 Charging of quota upon forfeiture of bond.
801.13 Credits upon exportation of sugar or liquid sugar.
801.14 Reports.
801.15 Delegation of authority.

AUTHORITY: §§ 801.10 to 801.15, inclusive, issued under 50 Stat. 903, 909, 915; 7 U. S. C. 1100, 1121, 1174.

§ 801.10 *Definitions.* As used in §§ 801.10 to 801.15, inclusive:

(a) The term "act" means the Sugar Act of 1937 (50 Stat. 903; 7 U. S. C. 1100) as amended, extended, and re-enacted, particularly by the Sugar Act of 1948 (Pub. Law 388, 80th Cong.)

(b) The term "person" means any individual, partnership, corporation, or association.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority to act in his stead.

(e) The term "quota" means any quota fixed by the Secretary pursuant to the act.

(f) The term "allotment" means any allotment of any quota or proration thereof made by the Secretary pursuant to section 205 (a) of the act.

§ 801.11 *Importing sugar or liquid sugar exquota by furnishing bond*—(a) *Entry outside of quota.* Upon the furnishing of a bond as provided in paragraph (b) of this section, the following sugar or liquid sugar from any foreign country, or from any sugar-producing area outside of continental United States, may be brought or imported into continental United States despite the quantities of sugar or liquid sugar already charged against the applicable quota or allotment and without being charged against such quota or allotment:

(1) Sugar or liquid sugar imported into continental United States for the purpose of being processed and exported as sugar or liquid sugar, and not to be used for domestic consumption in continental United States;

(2) Sugar or liquid sugar released from United States Customs custody and control for the sole purpose of being processed and returned thereto; and

(3) Sugar or liquid sugar imported into continental United States to be manufactured into articles to be exported from continental United States with benefit of drawback, or to be designated as the basis of a claim for drawback.

(b) *Furnishing of bond.* Before any of the sugar or liquid sugar described in paragraph (a) of this section shall be released from the United States Customs custody and control in excess of, or without being charged against, the applicable quota or allotment, the importer, consignee, owner of, or other person interested in, such sugar or liquid sugar shall furnish a bond with a surety or sureties satisfactory to the Secretary in such amount as the Secretary shall determine, or shall provide such other security as the Secretary shall determine, conditioned as follows:

(1) With respect to sugar or liquid sugar imported for the purpose of being processed by a processor and exported as sugar or liquid sugar from, and not to be used for domestic consumption in, continental United States, the condition shall be that the sugar or liquid sugar imported in the original or processed form, or an equivalent amount of sugar or liquid sugar processed by such processor, shall be delivered to such person or persons as the Secretary may designate for identification and inspection prior to exportation, and shall be actually exported from continental United States or destroyed within six months or such lawful extension of such time as the Secretary shall specify. In the event that the sugar or liquid sugar is exported with benefit of drawback, and inspection and identification by the collector of customs for purposes of drawback regulations is made, no further identification and inspection is required.

(2) With respect to sugar or liquid sugar released from United States Customs custody and control for the sole purpose of being processed by a processor and returned thereto, the condition shall be that such sugar, or an equivalent amount of sugar, or that such liquid sugar, or an equivalent amount of liquid sugar, processed by such processor, shall be returned to the United States Customs custody and control or destroyed within one month or such lawful extension of such time as the Secretary shall specify.

(3) With respect to sugar or liquid sugar imported to be used in the manufacture or production of articles to be exported with benefit of drawback, or which is to be designated as the basis for the allowance of drawback (including irrecoverable waste), the condition shall be that, within three years from the date of importation, such sugar or liquid sugar or an equivalent amount thereof shall have been exported as shown by the allowance of a claim or claims for drawback, or other proof of exportation satisfactory to the Secretary, or that such sugar or liquid sugar or an equivalent amount of such sugar or liquid sugar available for a drawback claim, or claims, shall have been destroyed; except that the Secretary may, under appropriate terms, permit release of any such bond or other security upon allowance of drawback based on a designation of other sugar or liquid sugar.

(c) *Payment of expenses for control.* Any bond or other security given under this section shall be further conditioned upon payment to the United States of America of all United States Customs Bureau expenses of supervision and control, if any, during the time such sugar or liquid sugar is within continental United States under the authority of the regulations in this part.

(d) *Release of bond or other security.* The Secretary may cancel or release any bond or other security given under this section if, upon the sale or transfer of such sugar or liquid sugar or the sugar or liquid sugar designated for drawback claim, or any part thereof, the purchaser or other person having an interest therein shall furnish in substitution a bond with good and sufficient sureties,

or other acceptable security covering such sugar or liquid sugar or such part thereof as may be sold or transferred.

§ 801.12 *Charging of quota upon forfeiture of bond.* Upon the forfeiture of any bond or security given pursuant to § 801.11, the quota for the country or area in which such sugar or liquid sugar originated and the allotment to which it would be chargeable if brought in or imported at the time of the forfeiture shall be charged as of the time of forfeiture with the amount of such sugar or liquid sugar, and to the extent that such sugar or liquid sugar exceeds the quota of such country or area, or the chargeable allotment, the forfeiture of the bond shall constitute a violation of the quota or allotment regulations or orders issued under the act, and the person who has furnished such bond shall be subject to the penalties prescribed by the act, insofar as said penalties may exceed the sum so forfeited under any such bond.

§ 801.13 *Credits upon exportation of sugar or liquid sugar.* If any sugar or liquid sugar imported into continental United States from any country is charged at the time of importation against any quota and such sugar or liquid sugar in original or processed form, or an equivalent amount of sugar or liquid sugar, is exported from continental United States and not used for consumption therein, or such sugar or liquid sugar is exported with benefit of drawback, or a claim or claims for drawback is or are allowed upon the basis of a designation of the imported sugar or liquid sugar, the amount of sugar or liquid sugdr so exported shall, as of the date of exportation, be credited to the current quota unless such exportation is in compliance with a condition of a bond issued pursuant to § 801.11 (b)

§ 801.14 *Reports.* The United States Customs Bureau is authorized to require from any refiner, manufacturer, processor, handler, importer, consignee, owner, or other person interested in such sugar or liquid sugar in the importation, processing, or exportation thereof, such declarations, certificates, invoices, oaths, and other documents which may be necessary to carry out the provisions of §§ 801.10 to 801.15, inclusive.

§ 801.15 *Delegation of authority.* The Director or Acting Director of the Sugar Branch, Production and Marketing Administration of the Department, is hereby designated to act for and on behalf of the Secretary in administering §§ 801.10 to 801.15, inclusive. The Director or Acting Director of the said Sugar Branch or the collector of customs responsible for the release from customs custody of any sugar bonded under §§ 801.10 to 801.15, inclusive, shall be a proper person to approve or cancel any bond given under §§ 801.10 to 801.15, inclusive.

SUBPART—HANDLING OF EXCESS-QUOTA SUGAR IN THE CONTINENTAL UNITED STATES

Sec.
801.41 Definitions.
801.42 Processing excess-quota sugar under bond.
801.43 Marketing of excess-quota sugar.
801.44 Cancelation of bond.
801.45 Delegation of authority.

AUTHORITY: §§ 801.41 to 801.45, inclusive, issued under 50 Stat. 903, 915; 7 U. S. C. 1100, 1174.

§ 801.41 *Definitions.* As used in §§ 801.41 to 801.45, inclusive:

(a) The term "act" means the Sugar Act of 1937 (50 Stat. 903; 7 U. S. C. 1100) as amended, extended, and re-enacted, particularly by the Sugar Act of 1948 (Public Law 388, 80th Congress).

(b) The term "person" means any individual, partnership, corporation, or association.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority to act in his stead.

(e) The term "quota" means the sugar quota fixed by the Secretary for the mainland cane sugar area and for the domestic beet sugar area, pursuant to the act.

(f) The term "allotment" means any allotment of the quota made by the Secretary pursuant to section 205 (a) of the act.

(g) The term "processor" means any person engaged in the manufacture of sugar from sugar beet or sugarcane grown in the continental United States.

(h) The term "excess-quota sugar" means all sugar owned by a processor after the allotment for such processor for the current year has been filled or, if no allotment has been made, all sugar owned by a processor after the applicable quota for the current year has been filled.

§ 801.42 *Processing excess-quota sugar under bond.* Excess-quota sugar produced from sugarcane grown in the continental United States may be marketed for further processing on the following conditions:

(a) That the processor file with the Secretary an application setting forth adequate reasons regarding the necessity for such marketing and full information regarding the quantity and type of sugar, approximate polarization, identification marks, and the place where the sugar is stored; and

(b) That the person to whom the sugar is delivered shall furnish a bond, with a surety or sureties satisfactory to the Secretary and in such amount as the Secretary shall determine, obligating such person to segregate physically the sugar within 30 days, or such shorter period as may be designated by the Secretary, and to hold such sugar, or an equivalent amount thereof, apart from all other sugar until the beginning of the next calendar year.

§ 801.43 *Marketing of excess-quota sugar.* Excess-quota sugar produced from sugar beets or sugarcane grown in the continental United States may be marketed if the processor is the owner of an equivalent amount of quota sugar produced in the same area, or else has entered into a contract for the purchase of an equivalent amount of such sugar and takes delivery thereof at the commencement of the current crop, but not later than December 1 of the current year, and holds such sugar until the beginning of the next calendar year.

§ 801.44 *Cancelation of bond.* The Secretary may cancel or release any bond given under § 801.42 to the extent that such cancelation or release is necessary to permit the marketing of any increase in the applicable quota or in the allotment made to the person furnishing such bond.

§ 801.45 *Delegation of authority.* The Director or Acting Director of the Sugar Branch, Production and Marketing Administration, of the Department and the officer in charge of the Baton Rouge, Louisiana, office of the Production and Marketing Administration of the Department or the acting officer in charge thereof are hereby authorized to act, jointly or severally, for and on behalf of the Secretary in administering the regulations in this subpart, except that the authority of the officer in charge of the Baton Rouge, Louisiana, office of the Production and Marketing Administration or the acting officer in charge thereof shall extend only to the application of such regulations to sugar produced from sugarcane.

Rescission of prior regulations. Sections 801.1 to 801.3, inclusive, shall supersede General Sugar Regulations, Series 2, No. 1, Revised, issued July 12, 1941 (7 CFR, Cum. Supp., 801.1) Sections 801.10 to 801.15, inclusive, shall supersede General Sugar Quota Regulations, Series 2, No. 3, issued September 23, 1937 (7 CFR 801.10–801.15) Sections 801.41 to 801.45, inclusive, shall supersede General Sugar Regulations, Series 2, No. 5, Revised, issued December 18, 1940 (7 CFR, Cum. Supp., 801.41–801.45)

Done at Washington, D. C., this 3d day of December 1947.

[SEAL] DAVE DAVIDSON,
Acting Administrator.

[F. R. Doc. 47-10770; Filed, Dec. 5, 1947; 8:52 a. m.]

[7 CFR, Part 821]

SUGAR CONSUMPTION REQUIREMENTS, QUOTAS, AND QUOTA DEFICITS FOR CALENDAR YEAR 1948

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority contained in the Sugar Act of 1948 (Pub. Law 388, 80th Cong.) the Secretary of Agriculture is preparing to determine the sugar consumption requirements and to establish sugar quotas for the calendar year 1948 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act. The Secretary is also preparing to determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1948 and to reallot, pursuant to

section 204, any quota deficit so determined.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 last and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947 prior to the termination of price control.

Section 202 of the act provides for fixed quotas for the domestic areas and for the Republic of the Philippines and for the apportionment of the balance of the consumption requirements to foreign countries other than the Republic of the Philippines in accordance with stated percentages.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

Section 204 of the act provides that the Secretary shall from time to time during the calendar year determine whether in view of various factors specified in the act, any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area. Section 204 further provides that upon a finding that any such area will be unable to market its quota, the deficit so determined shall be reallotted in accordance with a stated formula.

A public hearing will be held in Washington, D. C., in the Auditorium, South Building, United States Department of Agriculture, on December 16, 1947, at 9:30 a. m. (e. s. t.) for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar consumption requirements and the establishment of sugar quotas for the continental United States for the calendar year 1948. The principal matters for consideration at the hearing relate to (1) the manner of determination of deficiencies or surpluses in inventories of sugar, (2) the effect upon consumption requirements of various changes in demand conditions, (3) the effect of the prospective 1948 level and trend of consumer purchasing power upon sugar consumption requirements, (4) the manner in which the relationship between the wholesale refined price of sugar and the general cost of living in the United States should be employed or considered in determining the sugar consumption requirements for 1948, and (5) the relative importance of the foregoing factors and the weighting which should be given each in determining the sugar consumption requirements for 1948.

Prior to the issuance of regulations setting forth the sugar consumption requirements for the continental United States for the calendar year 1948 and the sugar quotas for 1948 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Prior to the issuance of regulations setting forth (1) the sugar consumption requirements for Hawaii and for Puerto Rico for the calendar year 1948 and sugar quotas for 1948 for local consumption in such areas, and (2) the amount by which any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1948 and the reallotment of such deficits, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than December 16, 1947.

Issued at Washington, D. C., this 3d day of December 1947.

[SEAL] DAVE DAVIDSON,
Acting Administrator

[F. R. Doc. 47-10769; Filed, Dec. 5, 1947; 8:52 a. m.]

[7 CFR, Part 821]

DIRECT CONSUMPTION PORTION OF 1948 SUGAR QUOTA FOR PUERTO RICO

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in section 205 (a) of the Sugar Act of 1937 (7 U. S. C. 1115 (a)) as amended, extended and re-enacted, particularly by the Sugar Act of 1948 (Pub. Law 388, 80th Cong.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR 801.20 et seq.), and on the basis of information before me, I, Clinton P Anderson, Secretary of Agriculture, do hereby find that the allotment of that portion of the 1948 sugar quota for Puerto Rico for consumption in the continental United States which may be filled by direct consumption sugar, pursuant to section 207 (b) of the said act, is necessary to prevent disorderly marketing and importation of such sugar from Puerto Rico and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 5085, South Building, United States Department of Agriculture, on December 18, 1947, at 10:00 a. m.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the above-mentioned portion of the 1948 sugar quota for Puerto Rico among persons who bring such sugar into the continental United States.

The Department proposes to allot the 126,033 short tons of sugar, raw value, representing the direct consumption portion of the 1948 quota for Puerto Rico, on the basis of "past marketings" and "ability to market" such sugar, as provided in section 205 (a) of the said act. Equal weight is given to each of the bases set forth above. It is proposed to measure "past marketings" by using each refiner's average deliveries of such sugar during the period 1935–1941. It is proposed to measure "ability to market" on the basis of the highest one year delivery of direct consumption sugar to the continental United States by each refiner during the calendar years 1935–1947, inclusive. On the basis of information presently available to the Department, the application of the proposed formula will result in allotments as follows:

Name of processor:	*Direct-consumption allotment (short tons, raw value)*
Porto Rico American Sugar Refinery	79,783
Central Aguirre	5,232
Central Guanica	2,848
Central Igualdad	14,026
Central Roig	15,446
Central San Francisco	1,691
Central Camuy	1,815
Unallotted reserve for marketings of raw sugar for direct consumption	5,169
Total	126,033

The basic data used in computing the foregoing allotments are set forth in Exhibits A and B, which are made a part of this proposal and published herewith.

Copies of the foregoing proposal may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington, D. C., or may be examined in the office of the Hearing Clerk.

Issued this 4th day of December 1947.

[SEAL] CLINTON P ANDERSON,
Secretary of Agriculture.

EXHIBIT A

ENTRIES OF PUERTO RICAN DIRECT CONSUMPTION SUGAR, BY MILLS 1935-47 [1]

[Short tons, raw value]

Mill	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947 [1]
Puerto Rican American Refinery	116,611	100,945	97,498	95,753	[illegible]	102,431	73,237	[illegible]	[illegible]	[4] 47,792	[illegible]	57,141	[illegible]
Aguirre	2,719	2,496	5,767	3,443	1,170	[illegible]	[illegible]	[illegible]	[illegible]	0	3,920	10,640	[illegible]
Roig El Ejemplo & Roig	----	2,778	16,234	12,379	[illegible]	[illegible]	15,023	14,543	15,777	13,433	[illegible]	[3] 24,414	[illegible]
Guanica	1,015	----	----	[illegible]	[illegible]	[illegible]	[illegible]	2	4,311	----	----	----	----
Igualdad-Western [2]	163	438	52	5,774	11,847	[illegible]	12,017	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Comp. Azucarera del Camuy, Inc.; Soller y Rio Llano	----	----	----	----	[illegible]	[illegible]	3,742	----	----	----	----	----	----
San Francisco	2,463	[illegible]	1,681	[illegible]	[illegible]	1,773	1,707	1,719	[illegible]	0	64	1,524	[illegible]
Total refined and turbinado	122,971	118,247	[illegible]	123,123	[illegible]	171,231	[illegible]	[illegible]	[illegible]	[illegible]	102,077	[illegible]	----
Raws for D.C. in continental United States [6,7]	4,523	8,333	4,543	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	2,015	[illegible]	[illegible]	167	----
Total	127,494	[illegible]	[illegible]	123,323	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[1] Refined and turbinado only shown by mills.
[2] Successor to Igualdad 1943.
[3] Includes 1,207 short tons of 1946 crop sugar entered Jan. 4, 1947.
[4] Includes 6,622 short tons turbinado sugar shipped by Mercedita.
[5] Allotments as made pursuant to terms of Commodity Credit Corp. purchase contract.
[6] 12-year average deliveries equal 4,398 short tons, raw value.
[7] 7-year (1935-41) average deliveries equal 5,169 short tons, raw value.

Source: Official statistics Sugar Branch, P. M. A., U. S. Department of Agriculture.

EXHIBIT B

PROPOSED FORMULA FOR ALLOTTING THE 1948 PUERTO RICAN DIRECT CONSUMPTION QUOTA OF [illegible] SHORT TONS, RAW VALUE

Refinery	Ability to market 50% weight: Highest 1 year marketings in 13 years 1935 to 1947, inclusive		Past marketings 50% weight	Column 3+4÷2	Multiply column 5×[illegible]	Individual refinery allotments
	Short tons	Raw value	Average deliveries 1935-41 short tons of sugar, raw value			[illegible] short tons, raw value
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Puerto Rican American Sugar Refinery	[illegible]	116,611	100,070	[illegible]	[illegible]	79,733
Central Aguirre	1947	[1] 10,[illegible]	[illegible]	7,091	[illegible]	[illegible]
Central Guanica	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Central Igualdad-Western	1947	[1] [illegible]	8,127	[illegible]	[illegible]	[illegible]
Central Roig-El Ejemplo	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Central San Francisco	[illegible]	[illegible]	2,013	[illegible]	[illegible]	[illegible]
Compania Azucarera del Camuy	1941	3,742	[illegible]	[illegible]	[illegible]	[illegible]
Total		[illegible]	131,0[illegible]	[illegible]		[illegible]
Unallotted reserve for marketing of raw sugar for direct consumption in the United States—average 1935-41						[illegible]
Total 1948 allotment						[illegible]

[1] These figures subject to revision when final 1947 outturn weight and polarization officially determined.

[F. R. Doc. 47-10776; Filed, Dec. 5, 1947; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 228]

APPLICATIONS FOR AUTHORITY TO FURNISH FREE OR REDUCED-RATE OVERSEAS OR FOREIGN AIR TRANSPORTATION

NOTICE OF PROPOSED RULE MAKING

DECEMBER 3, 1947.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of § 228.4 (h) of the Economics Regulations (14 CFR 228.4 (h)) to increase the time after which the applications will be deemed to have been granted from seven days to 10 days after the application is received by the Board.

Experience has demonstrated that this additional period of time is necessary to afford the Board a reasonable opportunity to consider applications for authority to furnish free or reduced-rate transportation before they are deemed granted without action.

It is proposed to amend paragraph (h) of § 228.4 of the Economic Regulations (14 CFR 228.4 (h)) by replacing the last three sentences thereof with the following: "The application shall contain a definite statement that the carrier is willing and intends to furnish such transportation if authority to do so is granted by the Board. Such application shall be deemed to have been approved and authority for the transportation granted unless the Board shall otherwise advise the carrier within 10 days after the application is received by the Board: *Provided*, That no application filed less than 10 days before the proposed transportation is to be furnished shall be deemed approved unless notice of such approval is received by the carrier prior to the furnishing of the transportation."

This amendment is proposed under the authority of section 403 (b) of the Civil Aeronautics Act (52 Stat. 992; 49 U. S. C. 483)

Interested persons may participate in the proposed rule-making through the submission of written data, views or argument pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before December 22, 1947 will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-10759; Filed, Dec. 5, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1722]

COLORADO

RESTORATION ORDER NO. 1232 UNDER FEDERAL POWER ACT

NOVEMBER 26, 1947.

Pursuant to the determination of the Federal Power Commission (DA–259, Colorado) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F R. 9080) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the land hereinafter described, having been withdrawn for Power Site Reserve No. 81 by Executive Order of July 2, 1910, is hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063) as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818) and subject to the stipulation that if and when the lands are required wholly or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with the proposed development shall be removed or relocated as may be necessary to eliminate interference with power development without expense to the United States, its transferees or assigns:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 74 W., sec. 26, lots 17 and 22.

The area described contains 18.40 acres.

The land is included in the first form reclamation withdrawal made August 23, 1943, pursuant to the act of June 17, 1902 (32 Stat. 388)

FRED W JOHNSON,
Director

[F. R. Doc. 47–10722; Filed, Dec. 5, 1947; 8:48 a. m.]

Misc. [1760978]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY ACCEPTED JANUARY 4, 1943 AND FEBRUARY 10, 1944

NOVEMBER 26, 1947.

Notice is given that the plats of survey of lands hereinafter described will be officially filed in the District Land Office, Phoenix, Arizona, effective at 10:00 a. m. on January 28, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from January 28, 1948, to April 27, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from January 8, 1948, to January 28, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on January 28, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on April 28, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from April 8, 1948, to April 28, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on April 28, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of Federal Regulations (Circular No. 324, regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Phoenix, Arizona.

The lands affected by this notice are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 40 N., R. 10 W., all.
T. 39 N., R. 11 W., all.

The areas described aggregate 45 327.24 acres.

This land has a level to rolling and mountainous surface with a generally sandy, gravelly and rocky soil. Portions of the area are covered with a dense or scattered stand of juniper and pinon trees with an undergrowth of brush types.

FRED W JOHNSON,
Director

[F. R. Doc. 47–10723; Filed, Dec. 5, 1947; 8:48 a. m.]

[Order 2380]

OREGON

ORDER ESTABLISHING ALSEA-RICKREALL MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESENTING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Salem, Oregon, on July 23, 1947, I hereby find that the establishment of the Alsea-Rickreall Master Unit and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874) it is hereby ordered as follows:

1. The Alsea-Rickreall Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the NE corner of Sec. 24, T. 6 S., R. 6 W., W. M., Oregon, thence following lines of legal subdivisions west 4 miles; southerly 4 miles; westerly 18 miles to the NW corner Sec. 14, T. 7 S., R. 9 W., southeasterly 11 miles to the NE corner Sec. 16, T. 8 S., R. 8 W., south 10 miles; west 3 miles; southerly 33 miles to the SW corner Sec. 13, T. 15 S., R. 9 W., easterly 4 miles; southerly 2 miles; easterly 3½ miles; northerly 3½ miles; easterly 20 miles along Lane-Benton county line to the Willamette River in Sec. 8, T. 15 S., R. 4 W., northerly along said river to the Polk-Benton county line at north boundary of Sec. 11, T. 10 S., R. 4 W., west 10½ miles to the SW corner Sec. 6, T. 10 S., R. 5 W., north 22 miles to place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., and Portland,

Salem, Eugene, Roseburg, Coos Bay, and Medford, Oregon.

2. The Alsea-Rickreall Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area to the west thereof bounded by a line commencing on the Unit boundary at the NE corner of Sec. 12, T. 7 S., R. 9 W., W. M., Oregon, thence following lines of legal subdivision northerly 2 miles, west 15 miles to the Pacific Ocean; south along the coast line to the Lincoln-Lane county line; east along county lines to Unit boundary at Sec. 12, T. 15 S., R. 9 W., and an area to the east thereof bounded by a line commencing on the Unit boundary at the NE corner Sec. 6, T. 15 S., R. 4 W., east 5 miles; north 6 miles; east 18 miles to the SE corner of Sec. 36, T. 13 S., R. 1 W., north 6 miles; west 6 miles; north 42 miles to the NE corner Sec. 1, T. 6 S., R. 2 W., west 9 miles to the Willamette River; southwesterly 2 miles along said river to the Yamhill-Polk County line; west 14 miles along county line to the NW corner Sec. 7, T. 6 S., R. 5 W., south 2 miles to the Unit boundary, as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California Railroad grant lands within the Alsea-Rickreall Master Unit shall be 31,000,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 47-10724; Filed, Dec. 5, 1947; 8:49 a. m.]

[Order 2381]

OREGON

ORDER ESTABLISHING KLAMATH MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Roseburg, Oregon, on July 21, 1947, I hereby find that the establishment of the Klamath Master Unit and appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California railroad grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874) it is hereby ordered as follows:

1. The Klamath Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the S¼ corner Sec. 13, T. 41 S., R. 3 E., W. M., Oregon, on the California-Oregon state line, thence along lines of legal subdivision as follows: northwesterly 6 miles to Soda Mountain; northerly 10 miles to Table Mountain; northeasterly 7 miles to the E¼ corner Sec. 24, T. 38 S., R. 3 E., easterly 6 miles to Jackson, Klamath county line at the east ¼ corner Sec. 24, T. 38 S., R. 4 E.; north along said county line 18 miles; east 1 mile; south 2½ miles to the SE corner Sec. 31, T. 35 S., R. 5 E.; east 3 miles; south 4 miles to the NE corner Sec. 13, T. 36 S., R. 5 E.; south 9½ miles; east 6 miles to the east ¼ corner Sec. 30, T. 37 S., R. 6 E.; south 12½ miles to NE corner T. 40 S., R. 6 E.; east 6 miles to NE corner T. 40 S., R. 7 E; south 8½ miles to Oregon-California state line at SE corner Sec. 13, T. 41 S., R. 7 E.; west along said state line to place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Roseburg, Coos Bay, and Medford, Oregon.

2. The Klamath Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area outside thereof bounded by a line commencing on the unit boundary at the north ¼ corner, Sec. 5, T. 39 S., R. 3 E., W. M., Oregon, thence west 13½ miles; south 14½ miles to the California-Oregon state line and south 3½ miles into the State of California; east 54 miles; north 24 miles; west 18 miles to the unit boundary at the SE corner Sec. 36, T. 37 S., R. 6 E., as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California Railroad grant lands within the Klamath Master Unit shall be 17,200,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 47-10725; Filed, Dec. 5, 1947; 8:49 a. m.]

[Order 2382]

OREGON

ORDER ESTABLISHING JACKSON MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Roseburg, Oregon, on July 21, 1947, I hereby find that the establishment of the Jackson Master Unit and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California railroad grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), it is hereby ordered as follows:

1. The Jackson Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at NE corner Sec. 22, T. 32 S., R. 2 W., W. M., Oregon, thence following lines of legal subdivision, as follows: southwesterly 8 miles and westerly 8 miles to Cedar Springs Mountain along divide between Evans and Cow Creeks; southwesterly 13 miles along divide between Evans and Grave Creeks to W¼ corner, Sec. 7, T. 34 S., R. 4 W., southerly 20 miles to Grants Pass Mountain; southeasterly 8 miles to Billy Mountain; southwesterly 18 miles to Grayback Mountain in Secs. 5 and 8, T. 40 S., R. 5 W., southerly 10 miles (along the divide) between Sucker Creek and Applegate River to California-Oregon state line in Sec. 13, T. 41 S., R. 6 W., east along state line to divide between Jenny and Deer Creeks at the S¼ corner Sec. 13, T. 41 S., R. 3 E.; northwesterly 6 miles to Soda Mountain; northerly 10 miles to Table Mountain; northeasterly 7 miles to E¼ corner Sec. 24, T. 38 S., R. 3 E.; easterly 6 miles to Jackson-Klamath county line at the east ¼ corner, Sec. 24, T. 38 S., R. 4 E.; north along county line 15½ miles to the NE corner Sec. 1, T. 36 S., R. 4 E.; west 6 miles; north 13 miles to NE corner Sec. 36, T. 33 S., R. 3 E., northwesterly 8 miles to west boundary of Sec. 7, T. 33 S., R. 3 E., on the Rogue River; northerly 16 miles to the Rogue-Umpqua Rivers divide in Sec. 4, T. 31 S., R. 2 E.; southwesterly along said divide 16 miles to Pilot Rock in Sec. 22, T. 32 S., R. 1 W., westerly 6 miles to the place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Coos Bay, Eugene, Roseburg, and Medford, Oregon.

2. The Jackson Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area outside thereof commencing on the unit boundary at the south ¼ corner, Sec. 36, T. 35 S., R. 5 W., W. M., Oregon, thence west 11½ miles; south 12 miles; east 6 miles; south 6 miles; east 5¾ miles to the unit boundary, and an area bounded by a line commencing on the unit boundary at the California, Oregon state line at Sec. 13, T. 41 S., R. 6 W., thence south 3 miles into the State of California; east 43 miles; north 3 miles to the unit boundary at Sec. 12, T. 41 S., R. 3 E., as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California railroad grant lands within the Jackson Master Unit shall be 62,200,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-10726; Filed, Dec. 5, 1947; 8:49 a. m.]

[Order 2383]

OREGON

ORDER ESTABLISHING JOSEPHINE MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Roseburg, Oregon, on July 21, 1947, I hereby find that the establishment of the Josephine Master Unit and the appurtenant marketing area and the dec-

laration of the annual productive capacity of the revested Oregon and California railroad grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), it is hereby ordered as follows:

1. The Josephine Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the SW corner Sec. 4, T. 31 S., R. 9 W., W. M., Oregon, thence following lines of legal subdivision as follows: easterly 4½ miles to Big Dutchman's Butte; southeasterly 10 miles to West Fork Station on Cow Creek; easterly 32 miles to Castle Peak; southeasterly 8 miles to Threehorn Mountain in Sec. 14, T. 32 S., R. 2 W., southwesterly 8 miles and westerly 8 miles to Cedar Springs Mountain along divide between Evans Creek and Cow Creek; southwesterly 13 miles along divide between Evans Creek and Grove Creek to W¼ corner Sec. 7, T. 34 S., R. 4 W., southerly 20 miles to Grants Pass Mountain; southeasterly 8 miles to Billy Mountain; southwesterly 18 miles to Grayback Mountain in Secs. 5 and 8, T. 40 S., R. 5 W., southerly 10 miles (along divide) between Sucker Creek and Applegate River to California, Oregon state line in Sec. 13, T. 41 S., R. 6 W., west along state line 12 miles to grant limit; northerly along grant limit to Sec. 29, T. 35 S., R. 11 W., northeasterly 20 miles to Sec. 12, T. 34 S., R. 10 W., northwesterly 12 miles to Coos-Curry county line in Sec. 6, T. 33 S., R. 10 W., northeasterly 20 miles along Coquille and Rogue Rivers divide to place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Coos Bay, Medford, and Roseburg, Oregon.

2. The Josephine Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area outside thereof bounded by a line commencing on the unit boundary as the north ¼ corner of Sec. 1, T. 36 S., R. 5 W., thence east 18 miles; south 12 miles; west 14½ miles to the unit boundary, as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California Railroad grant lands within the Josephine Master Unit shall be 48,351,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 47-10727; Filed, Dec. 5, 1947; 8:49 a. m.]

[Order 2384]

OREGON

ORDER ESTABLISHING SOUTH UMPQUA MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Roseburg, Oregon, on July 21, 1947, I hereby find that the establishment of the South Umpqua Master Unit, and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), it is hereby ordered as follows:

1. The South Umpqua Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the NE corner Sec. 8, T. 28 S., R. 1 E., W. M., Oregon, thence following lines of legal subdivisions as follows: southerly 20 miles to the South Umpqua-Rogue River divide at Sec. 20, T. 31 S., R. 1 E., southwesterly 10 miles to Pilot Rock, westerly 6 miles to Three Horn Mountain; northwesterly 8 miles to Green L. O.; westerly 20 miles along the divide between Cow Creek and the Umpqua River to S¼ corner Sec. 36, T. 31 S., R. 6 W., northerly 18 miles to the town of Myrtle Creek; northeasterly 14 miles along the divide between Deer and Myrtle Creeks to the NW corner Sec. 6, T. 28 S., R. 4 W., easterly 7 miles; southeasterly 14 miles along divide between Cavitt and Myrtle Creeks to the E¼ corner Sec. 33, T. 28 S., R. 2 W., northeasterly 18 miles along divide between Cavitt and Deadman Creeks; and Little River and Deadman Creek to place of beginning, as shown in detail on map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Roseburg, Coos Bay, and Medford, Oregon.

2. The South Umpqua Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area outside thereof bounded by a line commencing on the unit boundary at the SW corner Sec. 31, T. 27 S., R. 4 W., W. M., Oregon, thence north 6 miles; west 12 miles; south 24 miles; east 3 miles to the unit boundary, as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California Railroad grant lands within the South Umpqua Master Unit shall be 38,500,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 47-10728; Filed, Dec. 5, 1947; 8:49 a. m.]

[Order 2385]

OREGON

ORDER ESTABLISHING SOUTH COAST MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Roseburg, Oregon, on July 21, 1947, I hereby find that the establishment of the South Coast Master Unit and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), it is hereby ordered as follows:

1. The South Coast Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the NE corner Sec. 34, T. 18 S., R. 9 W., W. M., Oregon, thence following lines of legal subdivision as follows: southeasterly 20 miles to NE corner Sec. 17, T. 20 S., R. 7 W., southerly 14 miles to Elkton on the Umpqua River; southerly 25 miles along said river to the east ¼ corner Sec. 31, T. 23 S., R. 7 W., westerly 5 miles; southerly 30 miles along divide between Coos and Umpqua Rivers to the NE corner of Sec. 36, T. 27 S., R. 8 W., westerly 5 miles to the Coos-Douglas county line; southerly 6 miles to NE corner Sec. 1, T. 29 S., R. 9 W., west 3 miles; south 13 miles to SE corner Sec. 4, T. 31 S., R. 9 W., southwesterly 13 miles along divide between Coquille and Rogue Rivers to Coos-Curry County line; southwesterly 5 miles along said county line to Sec. 6, T. 33 S., R. 10 W., southeasterly 12 miles to Josephine-Curry county line in Sec. 12, T. 34 S., R. 10 W., southwesterly 20 miles to grant limit in Sec. 29, T. 35 S., R. 11 W., northwesterly 19½ miles to SW corner Sec. 35, T. 33 S., R. 13 W., northerly 34 miles; west 4 miles to the SW corner T. 27 S., R. 13 W., northerly 18 miles to the Pacific Ocean; easterly 18 miles to the SE corner Sec. 36, T. 24 S., R. 11 W., northerly 18 miles to NE corner T. 22 S., R. 11 W., east 2 miles; north 8 miles; east 2 miles; north 7 miles; east 2 miles; north 4 miles; east 4 miles to the place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Roseburg, Medford, and Coos Bay, Oregon.

2. The South Coast Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area outside thereof bounded by a line commencing on the unit boundary at the SE corner Sec. 29, T. 35 S., R. 11 W., W. M., Oregon, thence west 14 miles; south 6 miles; west 6½ miles to the Pacific Ocean at Gold Beach; north along the coastline to township line between T. 19 and 20 S., east along said township line to the unit boundary, as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands within the South Coast Master Unit shall be 142,000,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 47-10729; Filed, Dec. 5, 1947; 8:49 a. m.]

[Order 2386]

OREGON

ORDER ESTABLISHING DOUGLAS MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Roseburg, Oregon, on July 21, 1947, I hereby find that the establishment of the Douglas Master Unit and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California and reconveyed Coos Bay Wagon Road grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874) it is hereby ordered as follows:

1. The Douglas Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the NE corner of Sec. 15, T. 23 S., R. 2 E., W. M., Oregon, thence following lines of legal subdivisions as follows: west 5½ miles to N¼ corner of Sec. 14, T. 23 S., R. 1 E.; southwesterly 9 miles; westerly 21 miles along the Willamette-Umpqua divide to the SW corner Sec. 36, T. 23 S., R. 4 W., northerly 17 miles to the center of Sec. 2, T. 21 S., R. 4 W., westerly 30 miles along the Smith River-Suislaw River divide to E¼ corner of Sec. 17, T. 20 S., R. 7 W., southerly 14 miles to Elkton on the Umpqua River; southerly 25 miles along said river to E¼ corner Sec. 31, T. 23 S., R. 7 W., westerly 5 miles; southerly 30 miles along Coos, Umpqua River divide to the NE corner of Sec. 36, T. 27 S., R. 8 W., westerly 5 miles to Coos-Douglas county line; southerly 6 miles to the NE corner Sec. 1, T. 29 S., R. 9 W., west 3 miles; south 13 miles to the SW corner Sec. 3, T. 31 S., R. 9 W., east 4½ miles to Big Dutchman's Butte; southeasterly 10 miles to West Fork Station on Cow Creek; easterly 14 miles to the south ¼ corner, Sec. 36, T. 31 S., R. 6 W., northerly 18 miles to the town of Myrtle Creek; northeasterly 14 miles along divide between Deer Creek and Myrtle Creek to the NW corner Sec. 6, T. 28 S., R. 4 W., easterly 7 miles; southeasterly 14 miles along the divide between Cavitt Creek, Deadman Creek and Little River, Deadman Creek to grant limit at Sec. 36, T. 27 S., R. 1 W., northerly along grant limit to place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 13, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Roseburg, Coos Bay, and Medford, Oregon.

2. The Douglas Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area outside thereof bounded by a line commencing on the unit boundary at the SE corner Sec. 13, T. 28 S., R. 5 W., W. M., Oregon, thence south 15 miles; west 9½ miles to the unit boundary, as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands within the Douglas Master Unit shall be 92,500,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-10730; Filed, Dec. 5, 1947; 8:49 a. m.]

[Order 2387]

OREGON

ORDER ESTABLISHING CLACKAMAS-MOLALLA MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held after due public notice, at Salem, Oregon, on July 23, 1947, I hereby find that the establishment of the Clackamas-Molalla Master Unit and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), it is hereby ordered as follows:

1. The Clackamas-Molalla Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the NE corner of Sec. 1, T. 1 S., R. 5 E., W. M., Oregon, thence west 9 miles; south 9 miles; west 9 miles; south 9 miles to the SE corner Sec. 36, T. 3 S., R. 2 E.; west 6 miles; south 15 miles to the SW corner Sec. 18, T. 6 S., R. 2 E.; east 4 miles; thence following line of legal subdivision; southerly 9 miles; easterly 7 miles to Sec. 1, T. 6 S., R. 3 E; southerly 3 miles; northeasterly 8 miles to the NE corner Sec. 1, T. 8 S., R. 4 E.; thence north 6 miles; east 6 miles; north 6 miles; east 4 miles; north 6 miles; east 2 miles to SE corner T. 4 S., R. 6 E.; north 6 miles; east 1 mile; north 12 miles; to the NE corner Sec. 5, T. 2 S., R. 7 E.; west 7 miles; north 6 miles to the place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Roseburg, Coos Bay, and Medford, Oregon.

2. The Clackamas-Molalla Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area to the west thereof bounded by a line commencing on the unit boundary at the SW corner Sec. 31, T. 5 S., R. 2 E., W. M., Oregon, thence west 21 miles to the Willamette River, northerly along said river to the NE corner Sec. 36, T. 3 S., R. 3 W., north 23 miles; east 6 miles; north 19 miles to the NW corner Sec. 31, T. 6 N., R. 1 W., east 6 miles; south 13 miles to the SE corner Sec. 36, T. 3 N., R. 1 W., east 6 miles; south 6 miles; east 12 miles, south 6 miles; east 3 miles to the unit boundary of Sec. 3, T. 1 S., R. 4 E., as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California Railroad grant lands within the Clackamas-Molalla Master Unit shall be 30,500,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-10731; Filed, Dec. 5, 1947; 8:50 a. m.]

[Order 2388]

OREGON

ORDER ESTABLISHING COLUMBIA RIVER MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Salem, Oregon, on July 23, 1947, I hereby find that the establishment of the Columbia River Master Unit and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the Authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874) it is hereby ordered as follows:

1. The Columbia River Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the NW corner of Sec. 31, T. 5 N., R. 3 W., W. M., Oregon, thence east 12 miles; south 19 miles to the SE corner of Sec. 36, T. 2 N., R. 2 W., west 6 miles; south 23 miles to the Willamette River at the NE corner of Sec. 36, T. 3 S., R. 3 W., southerly along said river to Yamhill, Polk County line on south boundary of Sec. 4, T. 6 S., R. 3 W., west 18 miles to the SE corner Sec. 5, T. 6 S., R. 6 W., thence following line of legal subdivision; southerly 6 miles; westerly 10 miles to the south ¼ corner of Sec. 12, T. 7 S., R. 8 W., northerly 18 miles to the SE corner Sec. 13, T. 4 S., R. 8 W., west 4 miles; north 18 miles; east 16 miles to the SE corner Sec. 13, T. 1 S., R. 6 W., north 3 miles; east 12 miles to the SW corner Sec. 31, T. 1 N., R. 3 W., north 25 miles to place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., and in Portland, Eugene, Salem, Roseburg, Coos Bay, and Medford, Oregon.

2. The Columbia River Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area outside thereof bounded by a line commencing on the Unit Boundary at the SW corner Sec. 36, T. 6 S., R. 8 W., thence west 29 miles to the Pacific Ocean; northerly along the coast line to the township line between T. 1 and 2 N., east 29 miles to the SW corner Sec. 31, T. 2 N., R. 5 W., north 24 miles; east 30 miles; south 18 miles to the SW corner Sec. 31, T. 3 N., R. 1 E.,

east 6 miles; south 6 miles; east 12 miles to the NE corner Sec. 1, T. 1 N., R. 3 E.; south 6 miles; east 3 miles; south 9 miles to the SE corner Sec. 16, T. 2 S., R. 4 E., west 9 miles; south 9 miles; west 6 miles to the NW corner Sec. 6, T. 4 S., R. 2 E.; south 12 miles; west 21 miles to the Unit boundary on the Willamette River, as shown in detail on the map referred to above.

3. The annual productive capacity for the revested Oregon and California Railroad grant lands within the Columbia River Master Unit shall be 20,500,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 47-10732; Filed, Dec. 5, 1947; 8:50 a. m.]

[Order 2389]

OREGON

ORDER ESTABLISHING SANTIAM RIVER MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by all interested persons at or after the public hearing held, after due public notice, at Salem, Oregon on July 23, 1947, I hereby find that the establishment of the Santiam River Master Unit and appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), it is hereby ordered as follows:

1. The Santiam River Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the SW corner Sec. 18, T. 6 S., R. 2 E., W. M., Oregon, thence along lines of legal subdivision east 4 miles; southerly 9 miles; easterly 8 miles to Sec. 1, T. 8 S., R. 3 E.; southerly 3 miles; easterly 3 miles to Sec. 17, T. 8 S., R. 4 E.; southerly 28 miles to the SE corner Sec. 36, T. 12 S., R. 3 E.; west 24 miles to the SW corner of T. 12 S., R. 1 W., northerly 24 miles to the NW corner T. 9 S., R. 1 W., east 6 miles; north 12 miles to the NW corner of T. 7 S., R. 1 E.; east 3 miles; north 4 miles; east 3 miles; south 1 mile to the place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Roseburg, Coos Bay and Medford, Oregon.

2. The Santiam River Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the Master Unit itself and in addition an area outside thereof bounded by a line commencing on the unit boundary at the SE corner Sec. 36, T. 12 S., R. 3 E., W. M., Oregon, thence south 6 miles; west 42 miles to the Willamette River; northerly along said river, including the City of Corvallis, to the Polk-Benton county line; west along said county line to the SW corner Sec. 6, T. 10 S., R. 5 W., north 24 miles to Yamhill-Polk county line; east along said county line to the Willamette River, north along said river to the township line between Ts. 5 and 6 S., east along township line 21 miles to the NE corner Sec. 1, T. 6 S., R. 1 E., south 2 miles to the unit boundary, as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California Railroad grant lands within the Santiam River Master Unit shall be 30,000,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 47-10733; Filed, Dec. 5, 1947; 8:50 a. m.]

[Order 2390]

OREGON

ORDER ESTABLISHING UPPER WILLAMETTE MASTER UNIT, AND APPURTENANT MARKETING AREA, AND PRESCRIBING ANNUAL PRODUCTIVE CAPACITY OF REVESTED OREGON AND CALIFORNIA RAILROAD LANDS WITHIN SUCH UNIT

NOVEMBER 29, 1947.

Upon consideration of the evidence, briefs, and arguments submitted by interested persons at or after the public hearing held, after due public notice, at Salem, Oregon, on July 23, 1947, I hereby find that the establishment of the Upper Willamette Master Unit and the appurtenant Marketing Area and the declaration of the annual productive capacity of the revested Oregon and California grant lands in such unit will facilitate sustained yield management. Accordingly, pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874) it is hereby ordered as follows:

1. The Upper Willamette Master Unit is hereby established, the boundaries of which shall be as follows:

Beginning at the NE corner Sec. 6, T. 14 S., R. 3 E., W. M., Oregon, thence along lines of legal subdivisions as follows: west 36 miles to the Willamette River; southerly along said river to the southern boundary of Sec. 12, T. 18 S., R. 3 W., southerly along coast fork of Willamette River to the east boundary of Sec. 28, T. 20 S., R. 3 W., south 4 miles to ¼ corner between secs. 15 and 16, T. 21 S., R. 3 W., southwesterly 9 miles to the north ¼ corner Sec. 35, T. 21 S., R. 4 W., southerly 13 miles to the SW corner Sec. 36, T. 23 S., R. 4 W., easterly 24 miles along Willamette-Umpqua divide to Sec. 5, T. 24 S., R. 1 E., northeasterly 7 miles; easterly 12 miles to grant limit at the SE corner Sec. 32, T. 22 S., R. 3 E.; north 12 miles; east 4 miles; north 18 miles; west 2 miles; north 13 miles; west 3 miles; north 11 miles to the place of beginning, as shown in detail on the map entitled "Map of Western Oregon, showing O. & C. Lands," dated September 18, 1947, on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Roseburg, Coos Bay, and Medford, Oregon.

2. The Upper Willamette Master Unit Marketing Area is hereby established, the boundaries of which shall be as follows:

All of the master unit itself and in addition an area outside thereof bounded by a line commencing on the master unit boundary at the SW corner Sec. 18, T. 21 S., R. 3 W., W. M., Oregon, thence north 15 miles; west 12 miles; north 22½ miles to the Benton-Lane County line; east along county line to the unit boundary at the Willamette River, and an area bounded by a line commencing on the master unit boundary at the NE corner of Sec. 6, T. 14 S., R. 3 E., thence east 11 miles; south 54 miles; west 10 miles to the unit boundary at Sec. 32, T. 22 S., R. 3 E., as shown in detail on the map referred to above.

3. The annual productive capacity of the revested Oregon and California grant lands within the Upper Willamette Master Unit shall be 87,000,000 feet board measure as of the date of this order.

Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F R. Doc. 47-10734; Filed, Dec. 5, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7279, 8554, 8648]

UNITED DETROIT THEATRES CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of United Detroit Theatres Corporation, Detroit, Michigan, Docket No. 7279, File No. BPCT-50; WJR, The Goodwill Station, Inc., Detroit, Michigan, Docket No. 8648, File No. BPCT-212; for construction permits for Detroit, Mich., The Fort Industry Company, Detroit, Michigan, Docket No. 8554, File No. BMPCT-80; for modification of construction permit for Detroit, Michigan.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1947;

The Commission having under consideration the above-entitled application of United Detroit Theatres Corporation for a construction permit for a television station on Channel No. 5 at Detroit, Michigan, the application of WJR, The Goodwill Station, Inc., for a construction permit for a television station on Channel No. 5 at Detroit, Michigan; and the application of The Fort Industry Company for modification of its construction permit for a new television station in Detroit, Michigan, namely, to change the Channel No. 2 authorized to Channel No. 5.

It appearing, that the above-entitled applications are mutually exclusive because each applicant seeks the same channel for a television broadcast station in the Detroit metropolitan area;

It further appearing, that an issue has been created as to whether the stock

ownership and management interests of Paramount Pictures, Inc., in Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, Balaban and Katz Corporation, Interstate Circuit, Inc., and Television Productions, Inc., constitutes control of said corporations under the provisions of § 3.640 of the Commission's rules and regulations; and

It further appearing, that Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation and Interstate Circuit, Inc. have filed applications for construction permits for television stations in various cities; that Allen B. DuMont Laboratories, Inc. has been granted a license for one television station and construction permits for two such stations; that Balaban and Katz Corporation has been granted a television station license, and Television Productions, Inc. has been granted a construction permit for a television station; and

It further appearing, that the applications of Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, and Interstate Circuit, Inc. were designated for consolidated hearing on October 15, 1947 with respect to issues numbers "5" and "6" herein.

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed stations.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

5. To determine the stock ownership and management interests of Paramount Pictures, Inc. in the following companies: Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, Balaban and Katz Corporation, Interstate Circuit, Inc. and Television Productions, Inc.

6. Whether, in the light of the evidence adduced at the hearing with respect to issue number "5" a grant of the application of United Detroit Theatres Corporation (File No. BPCT–50) would be consistent with § 3.640 of the Commission's rules and regulations.

It is further ordered, That the consolidated hearing on the above-entitled applications with respect to issue numbers "5" and "6" only is further consolidated with the hearing designated October 15, 1947 on the applications of Allen B. DuMont Laboratories, Inc. (File Nos. BPCT–161 and BPCT–163) New England Theatres, Inc. (File No. BPCT–140) United Detroit Theatres Corporation (File No. BPCT–50) and Interstate Circuit, Inc. (File No. BPCT–94)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–10754; Filed, Dec. 5, 1947; 8:47 a. m.]

[Dockets Nos. 7279, 7293, 8554–8557, 8629–8631, 8648–8651]

NEW ENGLAND THEATRES, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of New England Theatres, Inc., Boston, Massachusetts, Docket No. 8557, File No. BPCT–140; Empire Coil Company, Inc., Sharon, Massachusetts, Docket No. 8629, File No. BPCT–202; Boston Metropolitan Television Company, Boston, Massachusetts, Docket No. 8630, File No. BPCT–203; New England Television Co., Inc., Boston, Massachusetts, Docket No. 8631, File No. BPCT–210; Massachusetts Broadcasting Corporation, Boston, Massachusetts, Docket No. 8651, File No. BPCT–219; for construction permits for Boston, Massachusetts. United Detroit Theatres Corporation, Detroit, Michigan, Docket No. 7279, File No. BPCT–50; WJR, The Goodwill Station, Inc., Detroit, Michigan, Docket No. 8648, File No. BPCT–212; for construction permits for Detroit, Mich. The Fort Industry Company, Detroit, Michigan, Docket No. 8554, File No. BMPCT–80; for modification of construction permit for Detroit, Michigan. Allen B. DuMont Laboratories, Inc., Cleveland, Ohio, Docket No. 7293, File No. BPCT–161; United Broadcasting Company, Cleveland, Ohio, Docket No. 8650, File No. BPCT–216; WGAR Broadcasting Co., Cleveland, Ohio, Docket No. 8649, File No. BPCT–214; for construction permits for Cleveland, Ohio. Allen B. DuMont Laboratories, Inc., Cincinnati, Ohio, Docket No. 8555, File No. BPCT–163; for construction permit for Cincinnati, Ohio. Interstate Circuit, Inc., Dallas, Texas, Docket No. 8556, File No. BPCT–94; for construction permit for Dallas, Texas.

It is ordered, That a consolidated hearing on the above-entitled applications shall be held in Washington, D. C., on January 5, 1948 at 10:00 a. m. on issues Nos. 1 and 2 stated in the Commission's order of October 15, 1947 which read as follows:

1. To determine the stock ownership and management interests of Paramount Pictures, Inc., in the following companies among others: Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, Balaban and Katz Corporation, Interstate Circuit, Inc., and Television Productions, Ins.

2. Whether, in the light of the evidence adduced at the hearing with respect to isue No. 1, grants of the applications herein, or any of them, would be consistent with § 3.640 of the Commission's rules and regulations.

It is further ordered, That issue No. 3 in the Commission's Order of October 15, 1947 is hereby withdrawn from this hearing.

Adopted: November 21, 1947.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–10755; Filed, Dec. 5, 1947; 8:47 a. m.]

[Docket Nos. 7293, 8649, 8650]

ALLEN B. DUMONT LABORATORIES, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Allen B. DuMont Laboratories, Inc., Cleveland, Ohio, Docket No. 7293, File No. BPCT–161, WGAR Broadcasting Co., Cleveland, Ohio, Docket No. 8650, File No. BPCT–214; United Broadcasting Co., Cleveland, Ohio, Docket No. 8649, File No. BPCT–216; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1947;

The Commission having under consideration the above-entitled application of Allen B. DuMont Laboratories, Inc., for a construction permit for a new television station on Channel No. 2 at Cleveland, Ohio; the application of WGAR Broadcasting Co., for a new television station on Channel No. 7 at Cleveland, Ohio; and the application of United Broadcasting Co., for a new television station on Channel No. 7 at Cleveland, Ohio.

It appearing, that the above-entitled applications for construction permits for television stations in the Cleveland metropolitan area exceed in number the unassigned television channels allocated to said area under § 3.606 of the Commission's rules and regulations:

It further appearing, that an issue has been created as to whether the stock ownership and management interests of Paramount Pictures, Inc., in Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, Balaban and Katz Corporation, Interstate Circuit, Inc., and Television Productions, Inc., constitutes control of said corporations under the provisions of § 3.640 of the Commission's rules and regulations; and

It further appearing, that Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation and Interstate Circuit, Inc. have filed applications for construction permits for television stations in various cities; that Allen B. DuMont Laboratories, Inc. has been granted a license for one television station and construction permits for two such stations; that Balaban and Katz Corporation has been granted a television station license and Television Productions, Inc. has been granted a construction permit for a television station; and

It further appearing, that the applications of Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, and Inter-

state Circuit, Inc. were designated for consolidated hearing on October 15, 1947 with respect to issue numbers "5" and "6" herein.

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed stations.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

5. To determine the stock ownership and the management interests of Paramount Pictures, Inc., in the following companies: Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, Balaban and Katz Corporation, Interstate Circuit, Inc., and Television Productions, Inc.

6. Whether, in the light of the evidence adduced at the hearing with respect to issue number "5" a grant of the application of Allen B. DuMont Laboratories, Inc. (File No. BPCT-161) would be consistent with § 3.640 of the Commission's rules and regulations.

It is further ordered, That the consolidated hearing on the above-entitled applications with respect to issues numbers "5" and "6" only is further consolidated with the hearing designated October 15, 1947 on the applications of Allen B. DuMont Laboratories, Inc. (File Nos. BPCT-161 and BPCT-163) New England Theatres, Inc. (File No. BPCT-140) United Detroit Theatres Corporation (File No. BPCT-50) and Interstate Circuit, Inc. (File No. BPCT-94)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10756; Filed, Dec. 5, 1947; 8:47 a. m.]

[Docket Nos. 8557, 8629-8631, 8651]

NEW ENGLAND THEATRES, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of New England Theatres, Inc., Boston, Mass., Docket No. 8557, File No. BPCT-140; Empire Coil Company, Inc., Sharon, Mass., Docket No. 8629, File No. BPCT-202; Boston Metropolitan Television Company, Boston, Mass., Docket No. 8630, File No. BPCT-203; New England Television Co., Inc., Boston, Mass., Docket No. 8631, File No. BPCT-210; Massachusetts Broadcasting Corporation, Boston, Mass., Docket No. 8651, File No. BPCT-219; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1947;

The Commission having under consideration the above-entitled application of New England Theatres, Inc., Boston, Massachusetts, for a construction permit for a new television station on Channel No. 13, in Boston, Massachusetts; the application of Empire Coil Company, Inc., Sharon, Massachusetts, for a new television station on Channel No. 9 in Sharon, Massachusetts; the application of Boston Metropolitan Television Company, Boston, Massachusetts, for a new television station on Channel No. 9 in Boston, Massachusetts; the New England Television Co., Inc., Boston, Massachusetts, for a new station on Channel No. 13 in Boston, Massachusetts, and the application of the Massachusetts Broadcasting Corporation, Boston, Massachusetts, for a new station on Channel No. 9 in Boston, Massachusetts.

It appearing, that the above-entitled applications for construction permits for television stations in the Boston metropolitan area exceed in number the unassigned television channels allocated to said area under § 3.606 of the Commission's rules and regulations; and

It further appearing, that an issue has been created as to whether the stock ownership and management interests of Paramount Pictures, Inc., in Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, Balaban and Katz Corporation, Interstate Circuit, Inc. and Television Productions, Inc., constitutes control of said corporations under the provisions of § 3.640 of the Commission's rules and regulations; and

It further appearing, that Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation and Interstate Circuit, Inc. have filed applications for construction permits for television stations in various cities; that Allen B. DuMont Laboratories, Inc. has been granted a license for one television station and construction permits for two such stations; that Balaban and Katz Corporation has been granted a television station license, and Television Productions, Inc. has been granted a construction permit for a television station; and

It further appearing, that the applications of Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, and Interstate Circuit, Inc. were designated for consolidated hearing on October 15, 1947 with respect to issues numbers "5" and "6" herein.

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed stations.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

5. To determine the stock ownership and management interests of Paramount Pictures, Inc., in the following companies: Allen B. DuMont Laboratories, Inc., New England Theatres, Inc., United Detroit Theatres Corporation, Balaban and Katz Corporation, Interstate Circuit, Inc., and Television Productions, Inc.

6. Whether, in the light of the evidence adduced at the hearing with respect to issue number "5," a grant of the application of New England Theatres, Inc. (File No. BPCT-140) would be consistent with § 3.640 of the Commission's rules and regulations.

It is further ordered, That the consolidated hearing on the above-entitled applications with respect to issues numbers "5" and "6" only is further consolidated with the hearing designated October 15, 1947, on the applications of Allen B. DuMont Laboratories, Inc. (File Nos. BPCT-161 and BPCT-163), New England Theatres, Inc. (File No. BPCT-140) United Detroit Theatres Corporation (File No. BPCT-50) and Interstate Circuit, Inc. (File No. BPCT-94)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10753; Filed, Dec. 5, 1947; 8:47 a. m.]

CENTRAL ILLINOIS RADIO CORP., LICENSEE OF STATION WWXL, PEORIA, ILLINOIS, AND PERMITTEE OF STATION WWXL-FM, PEORIA, ILL.

NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on November 25, 1947, there was filed with it an application (File No. BTC-591) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Central Illinois Radio Corporation, licensee of Station WWXL, Peoria, Illinois, and permittee of Station WWXL-FM, Peoria, Illinois, from Joseph H. Giddan, Max J. Lipkin, Sam J. Stone, Morris Enda and Harry Fracter to Homer D. Morrow and Myron A. Reck. The proposal to transfer control arises out of a contract of October 8, 1947, pursuant to which Joseph H. Giddan, Max J. Lipkin, Sam J. Stone, Morris Enda and Harry Fracter, the owners of all the issued and outstanding 946½ shares of common stock of the Central Illinois Radio Corpora-

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

tion agree to sell to Homer D. Morrow and Myron A. Reck all of said stock for the sum of $94,650, subject to an adjustment to be determined on the date of closing of the current assets and liabilities of the corporation. In addition the corporation is to repay Joseph H. Giddan the sum of $15,000 advanced by him to the corporation as a personal loan. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 25, 1947 that starting on December 2, 1947 notice of the filing of the application would be inserted in the Peoria Star a newspaper of general circulation at Peoria, Illinois in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 2, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and condition as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10757; Filed, Dec. 5, 1947; 8:47 a. m.]

NEW ROCHELLE BROADCASTING SERVICE, INC., PERMITTEE OF STATION WGNR, NEW ROCHELLE, N. Y.

NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL[1]

The Commission hereby gives notice that on November 26, 1947 there was filed with it an application (File No. BTC-590) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of New Rochelle Broadcasting Service, Inc., permittee of Station WGNR, New Rochelle, New York from Edgar Sandford and Lawrence Goldring to Julian H. Gins. The proposal to transfer control arises out of a contract of October 30, 1947 pursuant to which Edgar Sanford and Lawrence Goldring, the owners of all of the issued and outstanding shares of stock of New Rochelle Broadcasting Service, Inc., agrees to sell to Julian H. Gins all of said stock for the sum of Six Thousand Dollars ($6,000) the sale being subject to the approval of the Federal Communications Commission. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 26, 1947 that starting on November 28, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at New Rochelle, New York in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 26, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10753; Filed, Dec. 5, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-6923]

MAINE PUBLIC SERVICE CO.

NOTICE OF APPLICATION

DECEMBER 2, 1947.

Notice is hereby given that Maine Public Service Company of Presque Isle, Maine, has filed an application pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to transmit electric energy across the international boundary between the United States and Canada, from points in the State of Maine near the following places: Fort Kent, Frenchville, Madawaska, Grand Isle, Limestone, Fort Fairfield and Bridgewater Corner, to the Maine and New Brunswick Power Company, Ltd., operating in the Province of New Brunswick, Canada.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 20, 1947, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10736; Filed, Dec. 5, 1947; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 391]

RECONSIGNMENT OF ONIONS AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa. (PRR) November 26, 1947, by L. Meltzer, of car FGE 35976, onions, now on the Pennsylvania Railroad to Richmond Fruit & Produce Co., Richmond, Va. (RFP)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of November 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10738; Filed, Dec. 5, 1947; 8:51 a. m.]

[S. O. 396, Special Permit 392]

RECONSIGNMENT OF POTATOES AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at St. Louis, Mo., December 1, 1947, by National Produce Co., to car PFE 7052, potatoes, now on the Wabash to Chicago, Ill., National Produce Co. (Wab.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of December 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10739; Filed, Dec. 5, 1947; 8:51 a. m.]

[S. O. 396, Special Permit 393]

RECONSIGNMENT OF LETTUCE AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10

F R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., December 1, 1947, by M & C Produce Co., of car PFE 71894, lettuce, now on the Pennsylvania Railroad to J. Alfinito & Son, New York (PRR)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of December 1947.

HOMER C. KING,
Director
Bureau of Service.

[F R. Doc. 47-10740; Filed Dec. 5, 1947; 8:52 a. m.]

[S. O. 790, Special Directive 9A]

WHEELING AND LAKE ERIE RAILWAY CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 9 under Service Order No. 790, be, and it is hereby vacated effective 12:01 a. m., December 1, 1947.

A copy of this special directive shall be served upon The Wheeling and Lake Erie Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 1st day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10741; Filed, Dec. 5, 1947; 8:52 a. m.]

[S. O. 790 Special Directive 20A]

BALTIMORE AND OHIO RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 20 under Service Order No. 790 be, and it is hereby vacated effective 12:01 a. m., December 2, 1947.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 2d day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Dos. 47-10742; Filed, Dec. 5, 1947; 8:52 a. m.]

[S. O. 790 Special Directive 21A]

MONONGAHELA RAILWAY CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

Upon further consideration of the provisions of Service Order No. 790 (12 F R. 7791) and good cause appearing therefor:

It is ordered, That Special Directive No. 21 under Service Order No. 790 be, and it is hereby vacated effective 12:01 a. m., December 2, 1947.

A copy of this special directive shall be served upon the Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 2d day of December A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10743; Filed, Dec. 5, 1947; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10085]

KATIE BREIER

In re: Rights of Katie Breier under insurance contract. File D-28-2873-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katie Breier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3487779, issued by the Mutual Life Insurance Company of New York, N. Y., to Elizabeth Breier, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10745; Filed, Dec. 5, 1947; 8:49 a. m.]

[Vesting Order 10126]

DEUTSCHE REICHSPOST

In re: Debt owing to Deutsche Reichspost. F-28-13496 C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: That certain debt or other obligation owing to Deutsche Reichspost by American Telephone and Telegraph Company, 195 Broadway, New York 7, New York, represented on the books of the American Telephone and Telegraph Company as a debt under a contract between said parties entered into July 10, 1940, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Reichspost, an agency or instrumentality of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10746; Filed, Dec. 5, 1947; 8:49 a. m.]

[Vesting Order 10128]

FRANKFURTER BANK

In re: Stock and scrip certificates owned by and debts owing to Frankfurter Bank.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frankfurter Bank, the last known address of which is Frankfurt a/Main, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. One hundred thirty-two (132) shares of $1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered C 60764 for one hundred (100) shares, CO 138277 for ten (10) shares, CO 228546 and CO 255224 for six (6) shares each and CO 176532 and CO 201116 for five (5) shares each, registered in the name of Brown Brothers Harriman & Co. and presently in the custody of said Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and all rights of exchange thereof for 50¢ par value common capital stock of said Remington Rand, Inc.,

b. One (1) bearer scrip certificate for 75/100 share of $1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, said certificate being numbered SC 2130 and being presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, together with all rights thereunder and thereto, including particularly but not limited to all rights of exchange thereof for 50¢ par value common capital stock of said Remington Rand, Inc.,

c. One (1) bearer scrip certificate for 30/100 share of $1 par value common capital stock of Remington Rand, Inc., 465 Washington Street, Buffalo, New York, a corporation organized under the laws of the State of Delaware, said certificate being numbered SC 23497 and being presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, together with all rights thereunder and thereto, including particularly but not limited to all rights of exchange thereof for 50¢ par value common capital stock of said Remington Rand, Inc.,

d. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $202.21, arising out of an account entitled Credit Suisse, Zurich, Special Account EMA, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and

e. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in the amount of $377.79, as of July 1, 1947, arising out of an account entitled Credit Suisse, Zurich, Special Account EMA General Ruling No. 6 account, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Frankfurter Bank, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10747; Filed, Dec. 5, 1947; 8:49 a. m.]

[Vesting Order 10149]

JOHN DOEHLA

In re: Estate of John Doehla, deceased. File D-28-11844, E. T. sec. 16053.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Doehla, Margaretha Dietel, also known as Dietla or Dietle, Karl Doehla, Jr., Christian Doehla and Max Doehla, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of John Doehla, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Jacob Doehla, Administrator, acting under the judicial supervision of the District Court of Pottawattamie County, State of Iowa;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10748; Filed, Dec. 5, 1947; 8:49 a. m.]

[Vesting Order 10205]

MARIE WEILAND ET AL.

In re: Stock owned by Marie Weiland, Elizabeth Kalkes, Katharina Goetten, Helen Zimmermann, Rudolf Nikolaus Henning, Friedrich Wilhelm Henning, Apollonia Marie Henning and Eugen Matthias Henning. D-28-10763-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Weiland, Elizabeth Kalkes, Katharina Goetten, Helen Zimmermann, Rudolf Nikolaus Henning, Friedrich Wilhelm Henning, Apollonia Marie Henning and Eugen Matthias Henning, whose last known addresses are Germany, are residents of Germany and

nationals of a designated enemy country (Germany);

2. That the property described as follows: Six (6) shares of preferred capital stock of Title Insurance Security Corporation, a corporation organized under the laws of the State of Arizona, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered Owner, Certificate Number, and Number of Shares

Marie Weiland, 122, 1 2/10.
Elizabeth Kalkes, 123, 1 2/10.
Katharina Goetten, 124, 1 2/10.
Helen Zimmermann, 125, 1 2/10.
Rudolf Nikolaus Henning, 126, 2/10.
Friedrich Wilhelm Henning, 127, 2/10.
Apollonia Marie Henning, 128, 2/10.
Eugen Matthias Henning, 129, 2/10.

said certficates presently in the possession of Otto A. Hoecker, 1808 Russ Building, San Francisco 4, California, together with all declared and unpaid dividends thereon, subject however to any and all lawful liens in favor of the aforesaid Otto A. Hoecker, arising out of accrued but unpaid professional services,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 19, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10749; Filed, Dec. 5, 1947; 8:49 a. m.]